

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF NOVEMBER 4, 2011

(Published November 12, 2011, in *Finance and Commerce*)

Council Chamber
Room 317 City Hall
350 South 5th Street
Minneapolis, Minnesota
November 4, 2011 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, President Johnson.

Adoption of the agenda was moved and seconded by unanimous consent.

Colvin Roy moved to amend the agenda to include under "Motions" a motion relating to outfall inspection at 36th St and W River Rd. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote 11/4/2011.

Lilligren moved acceptance of the minutes of the regular meeting of October 21, 2011. Seconded.

Adopted upon a voice vote 11/4/2011.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 11/4/2011.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

INTERGOVERNMENTAL RELATIONS (275278)

Federal/State/Local Update:

Written report.

State Legislative Agenda:

Review of new proposals part 1.

COMMITTEE OF THE WHOLE (See Rep):

COORDINATOR (275279)

State of Emergency:

Termination of state of emergency put in place via Resolution 2011R-247 following the May 22, 2011 tornado affecting the City of Minneapolis.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275280)

Minnesota Statewide Historical & Cultural Grants Program (a/k/a Legacy Grants Program):
Approval of project ranking.

2012 Low Income Housing Tax Credits: Allocation.

COMMUNITY DEVELOPMENT and T&PW and W&M/Budget (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275281)

Peavey Plaza: Concept design, design & consulting agreements.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275282)

CPED Property Management: Establishment of Property Maintenance Panel & execution of master service agreement.

2600 Minnehaha Ave: Appropriation reflecting City match source for pollution remediation.

Environmental Remediation Grant Applications, Fall 2011: Applications to MN Department of Employment & Economic Development Contamination Cleanup & Investigation Grant Program, Metropolitan Council's Tax Base Revitalization Account Grant Program & Hennepin County Environmental Response Fund for various projects.

ELECTIONS (See Rep):

CITY CLERK (275283)

2011 Special House District 61B Elections: Approve a) polling places; and b) List of Election Judge Appointments; and Absentee Ballot Board.

2011 Special Senate District 59 Elections: Approve a) polling places; and b) List of Election Judge Appointments; and Absentee Ballot Board.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH:

ATTORNEY (275284)

Domestic Violence: Report related to the City's Pledge to Reduce Domestic Violence and Work Plan.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):

CIVIL RIGHTS (275285)

Supplier Diversity in the City of Minneapolis: Approve the following annual goals for supplier diversity — 25% for the Small and Underutilized Business Program; and 25% for informal, direct procurement of goods and services.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET:

FIRE DEPARTMENT (275286)

Fire Department Staffing: Overtime report.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):

REGULATORY SERVICES (275287)

Animal Care & Control Donations: Approve donations of Dog and Cat Food and Dog Treats for animals at Minneapolis Animal Care & Control.

2008 Port Security Grant: Execute grant extension agreement with United States Department of Homeland Security for one-year period to complete public safety technology and security.

REGULATORY, ENERGY AND ENVIRONMENT:

REGULATORY SERVICES (275288)

Rental Dwelling License at 2215 Pleasant Av: Recommendation to revoke license held by Jason Heroux.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (275289)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (275290)

Liquor Licenses: Grant Licenses to Kowalski's Uptown Market, 2440 Hennepin Av; Prom Catering Services, 3300 Central Av NE; Fulton Brewery, 414 6th Av N; and Asian Taste.

PUBLIC WORKS AND ENGINEERING (275291)

Bicycle Regulations: Ordinance adding bicyclists to the definition of traffic.

REGULATORY SERVICES (275292)

Rental Dwelling License at 2915 Golden Valley Rd: Revoke license held by Dennis and Loretta Bush.

REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

REGULATORY SERVICES (275293)

Healthy Homes Thriving Communities Project: Execute grant agreement with the United States Department of Housing and Urban Development to accept \$1,860,000 for activities related to reducing health hazards in homes; and Approve appropriation.

Farmers Markets: Ordinances amending various regulations related to farmers markets and other market types including definitions, license categories and related regulations; and amending definitions and regulations related to municipal market licensure and operation; and Approve amendments to the 2011-2012 License Fee Schedule.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (275294)

Public Works Transportation Infrastructure Study: PowerPoint presentation.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (275295)

Snow and Ice Removal from Public Sidewalks: Assessment public hearing.

Sanitary Sewer Service Availability Charges: Assessment public hearing.

Water and Sewer Rates: Ordinances amending rate fee structure; Comments.

Snow Emergency and Traffic Enforcement: Ordinances amending snow emergency parking restrictions.

Inglewood Addition: Authorize negotiation of infrastructure improvements agreement with Inglewood Development Co, LLC.

Fluoride Storage Tanks: Contract amendment with Magney Construction, Inc.

Public Works Special Assessment Rolls: Cancel sidewalk assessment for 4943 Russell Ave N.

RiverLake Greenway Project: Contract amendment with Max Steininger, Inc.

Critical Traffic and Parking Area: Ordinance creating critical parking area on 00 block of Sidney Pl.

10th Ave Storm Tunnel Phase I: Contract amendment with PCi Roads, LLC.

10th Ave Dewatering Well: Contract amendment with Keys Well Drilling Company.

2012 Uniform Assessment Rates: Establish assessment rates for street construction, renovation, resurfacing, and alley resurfacing.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (275296)

Security Services for Convention Center, Water Works, and Impound Lot: Contract with Whelan Security.

Northern Lights Express (NLX) Fees: Expend \$38,000 for participation in Minneapolis-Duluth/Superior Passenger Rail Alliance Board.

Safe Routes to School: Walking and bicycle education and enforcement in North and Northeast Minneapolis.

Non-Motorized Transportation Pilot Project (NTP): Amendments to grant agreements with MnDOT and Transit for Livable Communities (TLC).

Pedestrian Crossing Light at 28th Ave S and Minnehaha Creek: Change to crossing light; and increase appropriation.

Unshoveled Sidewalks: Amend Resolution 2011R-351, "Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses", adding fine for unshoveled sidewalks.

Bids: a) OP 7518, Low bid of Fer-Pal Construction USA LLC for water main reconstruction; b) OP 7520, Low bid of Don Harstad Company, d/b/a Harstad Controls, Inc. for ramp revenue control equipment; and c) OP 7521, Low bid of Veit and Company, Inc. for installation of steel sheeting.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (275297)

Legal Settlements: Jermaine Reed v. City of Minneapolis, et al.; and Resolution of Pending Condemnations at 3019 Colfax Ave N and 2306 James Ave N and Assessment Appeal, Steven Meldahl v. City of Minneapolis.

Violence Against Women Act STOP Special Project Grant: Accept and execute subgrant agreement for domestic violence advocacy professional services with the Domestic Abuse Project (DAP).

FINANCE DEPARTMENT (275298)

198 Aldrich Avenue Facility: Execute change order #2 to contract C-28948 with CM Construction Company, Inc. for architectural code changes and structural deficiency issues.

MINNEAPOLIS CONVENTION CENTER and PROCUREMENT (275299)

OP #7529: Accept low bid of Twin City Outdoor Services for Snow Plowing and Removal Services at the Convention Center.

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT (275300)

Appeal - Applications Withdrawn prior to Council Action on committee recommendation: Salvation Army Adult Rehabilitation Center (63 St Anthony Pkwy).

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (275301)

Zoning Board of Adjustment Appeal:

John & Judith Reiling (3616 Edmund Blvd)

PLANNING COMMISSION/DEPARTMENT (275302)

Remand from Court of Appeals:

Parc Centrale (343, 401, 403 & 409 Oak Grove St & 416 Clifton Ave)

Rezoning:

The Cameron (739 & 747 3rd St N)

FILED:

CITY CLERK (275303)

Dangerous Animal Declaration for the Dog "Tank": Order from Court of Appeals that writ of certiorari is discharged and the appeal is dismissed.

CITY CLERK (275304)

Verbatim Transcripts relating to 340 27th Ave NE, appeal filed by Bruce Shoemaker heard at Z&P 6-9-2011 and 6-23-2011 as well as City Council 7-1-2011.

MAYOR (275305)

Director of Regulatory Services: Mayor's nomination letter of Gregory Stubbs.

TIRES FOR LESS (275306)

Vacate the west half of the alley that runs east/west between 3rd Ave S and Clinton Ave S.

The following reports were signed by Mayor Rybak on November 9, 2011, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following reports:

Resolution 2011R-552, terminating a State of Emergency in the City of Minneapolis, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-552

**By Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman,
Glidden, Schiff, Tuthill, Quincy, Colvin Roy, and Hodges**

Terminating a State of Emergency in the City of Minneapolis.

Whereas, the City of Minneapolis, Minnesota, sustained loss of life, injuries, and severe property damage due to a tornado occurring May 22, 2011, which impacted the City and the surrounding metropolitan area; and

Whereas, in the wake of devastation caused by the tornado, Mayor R. T. Rybak did declare a state of local emergency in the City of Minneapolis at 6:45 p.m. on Sunday, May 22, 2011, pursuant to the provisions of the Minneapolis Code of Ordinances, Section 128.50; and

Whereas, the City Council did adopt Resolution 2011R-247 which ratified and extended the Mayor's declaration of a local emergency in the City of Minneapolis resulting from the tornado at an emergency meeting conducted on Tuesday, May 24, 2011, subject to the provisions of Minneapolis Code of Ordinances Section 128.50; and

Whereas, the conditions resulting from the tornado no longer warrant the extension of the declared state of emergency within the City of Minneapolis, even though recovery efforts coordinated by and through the City of Minneapolis will continue;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby terminates the previously declared state of emergency resulting from the tornado on May 22, 2011.

Adopted 11/4/2011.

Lilligren moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of Committee of the Whole on November 3, 2011 relating to the 2012 Board of Appeal & Equalization at this meeting. Seconded.

Adopted 11/4/2011.

Comm of the Whole – Your Committee, having under consideration the 2012 Minneapolis Board of Equalization, now recommends the approval of the appointments of Tad Marinac, Paul Grace, Jimmy Fogel, Sandy Loesch, Earl Netwal, John Shaw, and Jeffrey Larson, to the 2012 Minneapolis Board of Equalization for terms from April 9, 2012 through April 20, 2012. Further, passage of the accompanying resolution establishing the 2011 Minneapolis Board of Equalization, providing procedures and fixing compensation.

Adopted 11/4/2011.

Resolution 2011R-553, establishing the 2012 Minneapolis Board of Equalization, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-553
By Reich

Establishing the 2012 Minneapolis Board of Appeal and Equalization, and providing procedures and compensation.

Whereas, Minnesota Statutes 1975, Section 274.01 (Subdivision 2), authorizes any city, including cities whose charters provide for a board of equalization to appoint a special board of review to which it may delegate all powers and duties specified in said Section 274.01, Subdivision 1; and

Whereas the City Council pursuant to said law has passed an ordinance creating a special board of review, The Minneapolis Board of Equalization, to which the City Council, delegated all of the powers and duties specified in said Section 274.01, Subdivision 1, and has provided in said ordinance that the City Council shall by resolution provide for the number of persons to be appointed, the persons to be appointed, the amount of compensation to be paid, and the term of office;

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

1. That three (3) or more persons be appointed to the Board of Equalization.
2. That the Board be composed of one or more committees of at least three (3) persons in each committee.
3. That the Board shall hold its first meeting on April 9, 2012, at the call of the City Clerk pursuant to Minnesota Statutes 1975, Section 274.01, Subdivision 1.
4. That the Board shall hold hearings of complaints of persons feeling aggrieved by an assessment.
5. That the committees of the Board shall include at least one appraiser, one realtor or other person familiar with property valuations in the City of Minneapolis, and one freeholder of the City of Minneapolis.
6. That the Board shall complete its hearings on or before April 20, 2012 and after these hearings the board shall fix the assessment to each property considered.
7. That the City Clerk shall return the assessment rolls at the first Council Meeting after April 20, 2012 to the City Council, who may confirm the same or return the same to the Board for further revisions to be again reported to the City Council.
8. That the Board shall adjourn after it has completed its function for 2012.
9. That each member shall be paid \$75 for each half-day he/she served as a member of the Board.

Adopted 11/4/2011.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration applications for Minnesota Historical and Cultural Grants Program funds (a/k/a Legacy Grant funds), now recommends approval of the ranking of the following projects for submission to said program:

1. Pioneers and Soldiers Cemetery (Historic Preservation Category)
 2. Warehouse District Heritage Street Plan - Brick Salvaging Project (Historic Preservation Category)
 3. Pillsbury A Mill Tunnel System Condition Study (Partnership Category)
- Adopted 11/4/2011.

Comm Dev - Your Committee recommends that the proper City officers be authorized to preliminarily reserve Year 2012 Federal Low Income Housing Tax Credits totaling \$1,296,803 for the following projects:

- Touchstone, 2304 Snelling Ave S, in the amount of \$733,587;
 - Art Space Jackson Flats, 1839- 47 Jackson St, 901-13 - 18th 1/2 Ave N, in the amount of \$281,608; and
 - Franklin Steele (South Quarter IV), 1900 Portland Ave S, in the amount of \$281,608.
- Adopted 11/4/2011.

The COMMUNITY DEVELOPMENT, TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following report:

Comm Dev, T&PW & W&M/Budget - Your Committees, having under consideration the concept design for Peavey Plaza, now recommends approval of the following recommendations:

- a) Approve Phase I Concept Design for Peavey Plaza;
- b) Authorize execution of Phase 2 of contract with Oslund and Associates for up to \$800,000 to complete design development, construction documents and construction administration;
- c) Authorize execution of contract with HR & A Advisors for up to an additional \$100,000 for further design consulting services related to implementation, capital and operating budgets and development of a new organizational structure for Peavey Plaza;
- d) Authorize reimbursing the Minnesota Orchestral Association for \$69,080 for design consulting services related to Peavey Plaza previously completed in 2011 by HR & A Advisors;
- e) Authorize up to \$25,000 to pay for soil borings for the site;
- f) Authorize City staff to negotiate with Minnesota Orchestral Association and the State of Minnesota regarding a long-term lease, grant and other agreements related to state bond funding for Peavey Plaza and Orchestra Hall improvements;
- g) Approve a capital advance in the amount of \$970,000 to pay for design fees to be reimbursed from state bond proceeds following execution of agreements with the State of Minnesota, by passage of the accompanying resolution; and
- h) Passage of the accompanying resolution appropriating \$970,000 from the available fund balance.

Adopted 11/4/2011.

Approved by Mayor Rybak 11/4/2011.

(Published 11/8/2011).

Resolution 2011R-554, approving an interfund loan for the Peavey Plaza Project, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-554
By Goodman, Colvin Roy and Hodges

Approving an interfund loan for the Peavey Plaza Project.

Whereas, the City of Minneapolis ("City") is participating in the revitalization of Peavey Plaza in collaboration with the Minnesota Orchestral Association and the revitalization of Orchestra Hall (the "Project"); and

Whereas, the City costs relating to the Project are expected to be paid with State bond proceeds which were approved during the 2010 legislative session (the "State Bond Proceeds"); and

Whereas, the City is requesting a capital advance in the amount of up to \$970,000 from Common Project Reserve funds as an interim financing source to pay the design costs of Peavey Plaza portion of the Project (the "Interfund Loan"); and

Whereas, the Interfund Loan will be repaid from State Bond Proceeds; and

Whereas, it is deemed in the best interest of this community to approve the Interfund Loan to pay the initial costs of the Project;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Statutes, Section 469.178, Subd 7, the City Council approves the Interfund Loan to pay the design costs of the Peavey Plaza portion of the Project, subject to the following requirements:

(a) The principal amount of the Interfund Loan is up to \$970,000, with the actual amount to be determined by the Finance Officer.

(b) There will be no interest charged on the Interfund Loan.

(c) No installment payments will be due on the Interfund Loan, but final payment in full is due upon receipt of the State Bond Proceeds.

(d) Since Common Project Reserve funds are not eligible to permanently fund the Project, this Interfund Loan is not forgivable. In the event State Bond Proceeds are not available to repay the Interfund Loan, the City shall identify another eligible revenue source to repay this Interfund Loan.

Adopted 11/4/2011.

Approved by Mayor Rybak 11/4/2011.

RESOLUTION 2011R-555
By Goodman, Colvin Roy and Hodges

Amending the 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Capital Projects-Other Fund (01CPO-8900320) by \$969,080 from available fund balance.

Adopted 11/4/2011.

Approved by Mayor Rybak 11/4/2011.

(Published 11/8/2011).

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration snow removal and lawn maintenance services for properties owned by the City of Minneapolis Department of Community Planning & Economic Development (CPED), now recommends that the proper City officers be authorized to establish a Property Maintenance Panel and execute a master service agreement with selected respondents to the CPED Property Maintenance Request For Proposals. The length of the Master Service Agreements will be for a period of three years with an option to extend two additional one-year terms. Each Master Services Agreement will be limited to a maximum of \$900,000 and the maximum fee per scope will be limited to a maximum of \$290,000.

Adopted 11/4/2011.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution increasing the appropriation in the Department of Community Planning and Economic Development by \$50,000 to reflect the City match source for pollution remediation at 2600 Minnehaha Ave.

Adopted 11/4/2011.

NOVEMBER 4, 2011

**RESOLUTION 2011R-556
By Goodman and Hodges**

Amending the 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development's Development Account Fund (01SDA-8900320) by \$50,000 from available fund balance.

Adopted 11/4/2011.

Comm Dev & W&M/Budget - Your Committee, having under consideration environmental remediation grant and/or investigation funding applications for Fall, 2011, now recommends that the proper City officers be authorized to apply to the following agencies for projects as listed:

Minnesota Department of Employment and Economic Development (DEED) Contamination Cleanup and Investigation Grant Program Requests:

222 Hennepin [former Jaguar site], 700 Central, 1100 - 2nd St S, Hennepin County West Broadway Hub a/k/a WB Equities, Hobbs Bar-B-Que, Parcel A, Pillsbury Lofts, Seward Commons Phase II a/k/a Snelling Apartments and The GAV

Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account (TBRA) Grant Requests:

222 Hennepin [former Jaguar site], 430 Oak Grove, 700 Central, 1100 - 2nd St S, Artspace Jackson Flats, Grain Belt Office Building, Hennepin County West Broadway Hub a/k/a WB Equities, Parcel A, Pillsbury Lofts, Riverside Plaza, Seward Commons Phase II a/k/a Snelling Apartments, Spirit on Lake and The GAV

Hennepin County Environmental Response Fund (ERF) Grant Requests:

430 Oak Grove, 700 Central, 1100 - 2nd St S, Bryant Lofts a/k/a Track 29, Cameron Building, Grain Belt Office Building, Hennepin County West Broadway Hub a/k/a WB Equities, Parcel A, Pillsbury Lofts, Riverside Plaza, Seward Commons Phase II a/k/a Snelling Apartments and Spirit on Lake

Your Committee further recommends passage of the accompanying resolutions authorizing appropriate City staff to submit the aforesaid applications.

Adopted 11/4/2011.

Resolution 2011R-557, authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup and Investigation Grant Program for the 222 Hennepin [former Jaguar site], 700 Central, 1100 2nd Street S., Hennepin County West Broadway Hub a/k/a WB Equities, Hobbs Bar-B-Que, Parcel A, Pillsbury Lofts, Seward Commons Phase II a/k/a Snelling Apartments, and The GAV projects, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-557
By Goodman and Hodges**

Authorizing application to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in contamination cleanup and/or investigation applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by November 1, 2011, subject to final staff verification of each such application's compliance with the DEED grant program's purposes and criteria: 222 Hennepin [former Jaguar site],

700 Central, 1100 2nd Street S., Hennepin County West Broadway Hub a/k/a WB Equities, Hobbs Bar-B-Que, Parcel A, Pillsbury Lofts, Seward Commons Phase II a/k/a Snelling Apartments, and The GAV; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are committed to the identified projects; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the DEED for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate City staff to apply to the Department of Employment and Economic Development for Contamination Cleanup and/or Investigation Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement any grants that may be awarded.

Adopted 11/4/2011.

Resolution 2011R-558, authorizing application to the Metropolitan Council Tax Base Revitalization Account for the 222 Hennepin [former Jaguar site], 430 Oak Grove, 700 Central, 1100 2nd Street S., Artspace Jackson Flats, Grain Belt Office Building, Hennepin County West Broadway Hub a/k/a WB Equities, Parcel A, Pillsbury Lofts, Riverside Plaza, Seward Commons Phase II a/k/a Snelling Apartments, Spirit on Lake, and The GAV projects, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-558
By Goodman and Hodges

Authorizing application to the Metropolitan Council Tax Base Revitalization Account [TBRA] for various projects.

Whereas, the City of Minneapolis (the "City") was and is a participant in the Livable Communities Act's Housing Incentives Program as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following investigation and/or clean-up projects within the City that preliminarily appear to meet the Tax Base Revitalization Account's purposes and criteria: 222 Hennepin [former Jaguar site], 430 Oak Grove, 700 Central, 1100 2nd Street S., Artspace Jackson Flats, Grain Belt Office Building, Hennepin County West Broadway Hub a/k/a WB Equities, Parcel A, Pillsbury Lofts, Riverside Plaza, Seward Commons Phase II a/k/a Snelling Apartments, Spirit on Lake, and The GAV; and

Whereas, the City intends to act as the legal sponsor for the above-referenced projects, which will be more completely described in Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on or by November 1, 2011, subject to final staff verification of each such application's compliance with the TBRA grant program's purposes and criteria; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project and grant administration; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the contract grant agreements; and

Whereas, the City finds that the contamination investigation and/or cleanup will not occur through private or other public investment within the reasonably foreseeable future without Tax Base Revitalization Account grant funding; and

Whereas, the City represents that it has undertaken reasonable and good faith efforts to procure funding for the activities for which Livable Communities Act Tax Base Revitalization Account funding is sought but was not able to find or secure from other sources funding that is necessary for investigation and/or for cleanup completion;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate City staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects. The City acknowledges that for each grant awarded to the City, the City will be the grantee and will act as legal sponsor, and will administer and be responsible for grant funds expended for the project referred to in the applicable grant application.

Adopted 11/4/2011.

Resolution 2011R-559, authorizing application to the Hennepin County Environmental Response Fund for the 430 Oak Grove, 700 Central, 1100 2nd Street S., Bryant Lofts a/k/a Track 29, Cameron Building, Grain Belt Office Building, Hennepin County West Broadway Hub a/k/a WB Equities, Parcel A, Pillsbury Lofts, Riverside Plaza, Seward Commons Phase II a/k/a Snelling Apartments, and Spirit on Lake projects, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-559
By Goodman and Hodges

Authorizing application to the Hennepin County Environmental Response Fund for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in Environmental Response Fund applications to be submitted to Hennepin County on or by November 1, 2011, subject to final staff verification of each such application's compliance with the ERF program's purposes and criteria: 430 Oak Grove, 700 Central, 1100 2nd Street S., Bryant Lofts a/k/a Track 29, Cameron Building, Grain Belt Office Building, Hennepin County West Broadway Hub a/k/a WB Equities, Parcel A, Pillsbury Lofts, Riverside Plaza, Seward Commons Phase II a/k/a Snelling Apartments, and Spirit on Lake; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with Hennepin County for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate City staff to apply to the Hennepin County Environmental Response Fund for funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement any grant funding that may be awarded.

Adopted 11/4/2011.

The ELECTIONS Committee submitted the following reports:

Elections - Your Committee recommends passage of the accompanying resolution designating polling places for the December 6, 2011 Primary and the January 10, 2012 Special House District 61B General Elections.

Adopted 11/4/2011.

Resolution 2011R-560, designating polling places for the December 6, 2011 Primary and the January 10, 2012 Special House District 61B General Elections, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-560

**By Gordon, Reich, Hofstede, Johnson, Samuels, Lilligren, Goodman,
Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges**

Designating polling places for the December 6, 2011 Primary and the January 10, 2012 Special House District 61B General Elections.

Resolved by The City Council of The City of Minneapolis:

That the following polling places be designated as follows:

SIXTH WARD

PRECINCT

1 - Whittier International School, 315 26th St W

EIGHTH WARD

PRECINCT

- 1 - Central Gym Park, 3450 4th Ave S (*use 4th Ave S entrance*)
- 2 - Office of Indian Ministries, 3045 Park Ave
- 3 - Hosmer Library, 347 36th St E
- 4 - Holy Name Church, 3637 11th Ave S
- 5 - Sabathani Community Center, 310 38th St E
- 6 - Martin Luther King Park (Multipurpose), 4055 Nicollet Ave
- 10 - St. Joan of Arc Gymnasium, 4537 3rd Ave S

NINTH WARD

PRECINCT

- 5 - Powderhorn Park Building (Gym), 3400 15th Ave S
- 7 - Powderhorn Park Building (Multipurpose), 3400 15th Ave S

TENTH WARD

PRECINCT

- 5 - Horn Towers Highrise, 3121 Pillsbury Ave
- 9 - Lyndale Community School, 312 34th St W

Adopted 11/4/2011.

Elections - Your Committee recommends approval of the appointment of election judges, and authorization for the use of substitutions from the eligible list of election judges as necessary, for the 12 precincts in the City for the Special House District 61B elections, as set forth in Petn No 275283 on file in the office of the City Clerk, in accordance with Minnesota Statutes 204B.21, Subd. 2, and Chapter 2, Section 6, of the Charter of the City of Minneapolis.

NOVEMBER 4, 2011

Your Committee further recommends authorization for the use of an Absentee Ballot Board, and approval of the list of election judges to serve as said Board, pursuant to Minnesota Statutes, Section 203B.13.

Adopted 11/4/2011.

Elections - Your Committee recommends passage of the accompanying resolution designating polling places for the December 6, 2011 Primary and the January 10, 2012 Special Senate District 59 General Elections.

Adopted 11/4/2011.

Resolution 2011R-561, designating polling places for the December 6, 2011 Primary and the January 10, 2012 Special Senate District 59 General Elections, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-561

**By Gordon, Reich, Hofstede, Johnson, Samuels, Lilligren, Goodman,
Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges**

Designating polling places for the December 6, 2011 Primary and the January 10, 2012 Special Senate District 59 General Elections.

Resolved by The City Council of The City of Minneapolis:

That the following polling places be designated as follows:

SIXTH WARD

PRECINCT

1 - Whittier International School, 315 26th St W

EIGHTH WARD

PRECINCT

1 - Central Gym Park, 3450 4th Ave S (*use 4th Ave S entrance*)

2 - Office of Indian Ministries, 3045 Park Ave

3 - Hosmer Library, 347 36th St E

4 - Holy Name Church, 3637 11th Ave S

5 - Sabathani Community Center, 310 38th St E

6 - Martin Luther King Park (Multipurpose), 4055 Nicollet Ave

10 - St. Joan of Arc Gymnasium, 4537 3rd Ave S

NINTH WARD

PRECINCT

5 - Powderhorn Park Building (Gym), 3400 15th Ave S

7 - Powderhorn Park Building (Multipurpose), 3400 15th Ave S

TENTH WARD

PRECINCT

5 - Horn Towers Highrise, 3121 Pillsbury Ave

9 - Lyndale Community School, 312 34th St W

Adopted 11/4/2011.

Elections - Your Committee recommends approval of the appointment of election judges, and authorization for the use of substitutions from the eligible list of election judges as necessary, for the 25 precincts in the City for the Special Senate District 59 elections, as set forth in Petn No 275283 on file in the office of the City Clerk, in accordance with Minnesota Statutes 204B.21, Subd. 2, and Chapter 2, Section 6, of the Charter of the City of Minneapolis.

Your Committee further recommends authorization for the use of an Absentee Ballot Board, and approval of the list of election judges to serve as said Board, pursuant to Minnesota Statutes, Section 203B.13.

Adopted 11/4/2011.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following report:

PSC&H - Your Committee recommends approval of the following annual goals for supplier diversity in the City of Minneapolis:

- a) 25 percent goal for the Small and Underutilized Business Program; and
- b) 25 percent goal in the City's activity for informal, direct procurement of goods and services.

Adopted 11/4/2011.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

PSC&H & W&M/Budget - Your Committee recommends passage of the accompanying resolution approving donations of Dog and Cat Food and Dog Treats at Minneapolis Animal Care & Control.

Adopted 11/4/2011.

Resolution 2011R-562, approving donations of Dog and Cat Food and Dog Treats for animals at Minneapolis Animal Care & Control, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-562
By Samuels and Hodges**

Approving donations of Dog and Cat Food and Dog Treats for animals at Minneapolis Animal Care & Control.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

Toni Munnich	Blankets, 7 lb Hartz cat litter, 18 oz Purina Kitten Chow, 3 lb Meow Mix cat food
Jena Clem	6 small animal food and water feeders, two 19 oz Milk Bone brand Gravy Bones dog treats, two 32 oz Alpo brand snaps dog treats, two 15 oz Milk Bones Crunchy dog treats, and two 24 oz Milk Bone brand Flavor Snacks dog treats.

John & Mary Corlett 1 dry erase board (3 ft by 5 ft)

Amber Johnson 15 Kongs (enrichment toys) and peanut butter; and

Whereas, no goods or services were provided in exchange for said donation; and

Whereas, all such donations have been contributed to assist the City in providing animal care and meeting our goals of responsible pet ownership, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the donations described above are accepted and shall be used for the animals cared for at Minneapolis Animal Care and Control.

Adopted 11/4/2011.

PSC&H & W&M/Budget - Your Committee, having under consideration the 2008 Port Security grant, now recommends that the proper City officers be authorized to execute a grant extension agreement with the United States Department of Homeland Security to extend the grant performance period through July 31, 2012 to complete the technology, target hardening and equipment purchases detailed in the grant related to public safety technology and security.

Adopted 11/4/2011.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E - Your Committee, to whom was referred an ordinance amending Title 18, Chapter 466 of the Minneapolis Code of Ordinances relating to *Traffic Code: In General*, adding bicyclists to the definition of traffic, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/4/2011.

Ordinance 2011-Or-094 amending Title 18, Chapter 466 of the Minneapolis Code of Ordinances relating to *Traffic Code: In General*, amending Section 466.30 to add bicyclists to the definition of traffic, was adopted 11/4/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-094
By Schiff
Intro & 1st Reading: 5/13/2011
Ref to: RE&E
2nd Reading: 11/4/2011

Amending Title 18, Chapter 466 of the Minneapolis Code of Ordinances relating to Traffic Code: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 466.30, definition of Traffic, of the above-entitled ordinance be amended to read as follows:

466.30. Definitions. Whenever used in the traffic code, the following words or phrases shall have the meanings ascribed to them:

Traffic: Pedestrians, ridden or herded animals, vehicles, including bicycles, and other conveyances either singly or together, while using any street or highway for purposes of travel.

Adopted 11/4/2011.

RE&E - Your Committee recommends passage of the accompanying resolution granting Liquor Licenses to the following new businesses:

a) Kowalski's Uptown Market, 2440 Hennepin Av;

b) Fulton Beer, 414 6th Av N

Approved by Mayor Rybak 11/4/2011.

(Published 11//8/2011)

c) Prom Catering, 3300 Central Av NE;

d) Asian Taste, 1400 Nicollet Av.

Adopted 11/4/2011.

Resolution 2011R-563, granting Liquor Licenses to Kowalski's Uptown Market, Fulton Beer, Prom Catering, and Asian Taste, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-563

By Glidden

Granting Liquor Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Off-Sale Liquor, to expire January 1, 2013

Kowalski Uptown Market Inc, dba Kowalski Uptown Market, 2440 Hennepin Av (new business)

Off-Sale Malt Liquor, to expire October 1, 2012

Fulton Beer LLC, dba Fulton Beer, 414 6th Av N (new business)

Approved by Mayor Rybak 11/4/2011.

(Published 11/8/2011)

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2012

Prom Management Group Inc, dba Prom Catering, 3300 Central Av NE (new business)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2012

Asian Taste Inc, dba Asian Taste, 1400 Nicollet Av (new business).

Adopted 11/4/2011.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 11/4/2011.

Resolution 2011R-564, granting applications for Liquor, Wine and Beer Licenses, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-564

By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 275289):

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2012

Hotel Minneapolis Operating Company LLC, dba Hotel Minneapolis, 401 2nd Av S

On-Sale Liquor Class E with Sunday Sales, to expire November 26, 2011

Rosvold Enterprises LLC, dba Campus Pizza, 825 Washington Av SE (temporary expansion of premises November 26, 2011, Gopher Game, 8:00 a.m. to Midnight)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2012

Tony Jaros' River Gardens Inc, dba Tony Jaros' River Gardens, 2500 Marshall St NE

Liquor Catering Services, to expire August 1, 2012

Phoenix Catering Inc, dba Joseph Catering, 336 Hoover St NE.

Adopted 11/4/2011.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 11/4/2011.

Resolution 2011R-565, granting applications for Business Licenses, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-565

By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 4, 2011 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275289):

Amusement Devices; Place of Amusement Class B-1; Place of Amusement Class B-2; Christmas Tree; Dry Cleaning & Laundry Pickup Station; Laundry; Fire Extinguisher Servicing Class A; Farm Produce Permits; Grocery; Food Manufacturer; Short Term Food Permit; Seasonal Short Term Food; Fuel Dealer; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Hotel/Motel; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Towing Class A; Commercial Parking Lot Class A; Pet Shop; Plumber; Precious Metal Dealer; Residential Specialty Contractor; Antique Dealer Class B; Solid Waste Hauler; Suntanning Facility; Tattooist/Body Piercer Establishment; Taxicab Vehicle - Fuel Efficient; Taxicab Vehicle - Wheelchair Access; Taxicab Vehicle Non-Transferable; Theater Zone I; Tobacco Dealer.

Adopted 11/4/2011.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 11/4/2011.

Resolution 2011R-566, granting applications for Gambling Licenses, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-566

By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances

(Petn No 275289):

Gambling Exempt

University of St. Thomas, dba University of St. Thomas, 2115 Summit Av, St. Paul (Raffle November 11, 2011, 1000 LaSalle Av)

AGC of Minnesota Foundation, dba AGC of Minnesota Foundation, 525 Park St, #110, St. Paul (Raffle March 8, 2012, Minneapolis Convention Center)

Global Citizens Network, dba Global Citizens Network, 129 N 2nd St, Suite 102 (Raffle April 14, 2012, Nicollet Island Pavilion).

Adopted 11/4/2011.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Dennis and Loretta Bush for the property located at 2915 Golden Valley Rd; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910, subdivision 11, of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2011-51 which are hereby made a part of this report by reference.

Adopted 11/4/2011.

The REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

RE&E & W&M/Budget - Your Committee, to whom was referred ordinances amending Title 10 of the Minneapolis Code of Ordinances relating to *Food Code*, adopting comprehensive amendments to farmers markets, now recommends that the following ordinances be given their second reading for amendment and passage:

a) amending Chapter 201 relating to *Public Markets*, amending various regulations related to farmers markets and other market types including definitions, license categories and related regulations.

b) amending Chapter 202 relating to *Municipal Market*, amending definitions and regulations related to municipal market licensure and operation.

Your Committee further recommends approval of the following amendments to the 2011-2012 License Fee Schedule:

License Type	2011 License fee	2012 Proposed License fee
Market, Municipal	\$171	<u>\$480</u>
Farmers Market (formerly Public Market) and market adjunct to Municipal Market	\$171	<u>\$276</u>
Produce and Craft Market	N/A	<u>\$276</u>
Market Distributor	\$172	<u>\$177</u>
Market Manufacturer	\$172	<u>\$177</u>

NOVEMBER 4, 2011

Mini Market	\$0	\$59
Exempt Grower and Home Processor vendors	\$0	\$0
Plan review fee Farmers Market (formerly Public Market)	\$171	\$177
Plan Review fee Mini Market	\$59	\$71
Plan Review fee Municipal Market	\$171	\$177
Plan Review fee Produce and Craft Market (New license)	N/A	\$177
Plan Review fee Food Market Distributor	\$59	\$71
Plan Review fee Food Market Manufacturer	\$59	\$71
Plan Review fee Home and Pickle Bill processors	\$59	\$71

Schiff moved that Section 201.30 (4) of the ordinance be deleted, as follows:

~~(4) A farmers market shall be either a subsidiary or project of a recognized Minnesota nonprofit organization or itself be incorporated or organized as a Minnesota nonprofit organization.~~ Seconded.

Adopted upon a voice vote.

Schiff moved that Section 201.30 (7) of the ordinance be deleted, as follows:

~~(7) Farmers markets shall take place outdoors, with the exception of up to six (6) indoor events per year, as designated on the license application and approved by the appropriate departments in advance of the indoor event or events.~~ Seconded.

Lost. Yeas, 5; Nays, 8 as follows:

Yeas - Schiff, Colvin Roy, Tuthill, Goodman, Johnson.

Nays - Samuels, Gordon, Reich, Hofstede, Lilligren, Quincy, Glidden, Hodges.

Schiff moved that Section 201.50 (4) of the ordinance be deleted, as follows:

~~(4) A produce and craft market shall be either a subsidiary or project of a recognized Minnesota nonprofit organization or itself be incorporated or organized as a Minnesota nonprofit organization.~~ Seconded.

Adopted. Yeas, 9; Nays, 4 as follows:

Yeas - Samuels, Reich, Schiff, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Johnson.

Nays - Gordon, Hofstede, Lilligren, Hodges.

The report was adopted 11/4/2011. Yeas, 12; Nays, 1 as follows:

Yeas - Samuels, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Johnson.

Nays - Gordon.

Ordinance 2011-Or-095 amending Title 10, Chapter 201 of the Minneapolis Code of Ordinances relating to *Food Code: Public Markets*, amending Sections 201.10, 201.20, 201.30, 201.40, 201.50, 201.60, 201.70, 201.80, 201.95, 201.120, and 201.130 to amend various regulations related to farmers markets and other market types including definitions, license categories and related regulations, was adopted 11/4/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-095
By Gordon
Intro & 1st Reading: 7/22/2011
Ref to: RE&E
2nd Reading: 11/4/2011

Amending Title 10, Chapter 201 of the Minneapolis Code of Ordinances relating to Food Code: Public Markets.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 201.10 of the above-entitled ordinance be amended by added thereto the following definitions in alphabetical sequence to read as follows:

201.10. Definitions. As used in this chapter and chapter 202, the following terms shall mean:

Agricultural producer: A grower, farm processor, or a group of growers or farmer processors belonging to a growers' cooperative, or wild-harvester that is principally engaged in the production of farm and wild-harvested products and who is licensed by or registered with the City of Minneapolis according to Minnesota law or city ordinance.

Craft producer: A market vendor who manufactures or crafts non-food goods by the force of their own labor, who has control over the means and methods of production and who assumes the principal financial and liability risk for the production enterprise.

Farm processor: A market vendor who sells products that are grown, raised or harvested on land owned or leased by the farm processor and which products may have additional ingredients added that are not grown, raised or harvested by them on their land such as to produce sausage, bacon, cheese etc. and who is licensed according to Minnesota law or city ordinance.

Farmers market: A primarily outdoor recurring event, created for public benefit, where on designated days and times, a group of market vendors consisting principally of agricultural producers, and that may include food market manufacturers, food market distributors, craft producers, home processors and vendors of services are organized for the purpose of selling their products directly to the public.

Food market distributor: A market vendor who sells fresh produce purchased from retail stores, wholesalers or agricultural producers, or sells prepackaged foods for off-site consumption, excluding home processors, provided that the vendor does not handle unpackaged food while at the market, and who is licensed according to Minnesota law or city ordinance.

Food market manufacturer: A market vendor who sells and handles foods prepared for immediate consumption at the market and who is licensed according to Minnesota law or city ordinance.

Grower: A market vendor who sells products that are grown, raised or harvested on land owned or leased by grower including vegetables, fruits, eggs, meats (without added ingredients), plants, flowers, honey, maple syrup etc. as registered with the City of Minneapolis pursuant to Minnesota Statute Section 28A.15 or as recognized by Minnesota law.

Home processed foods: Products made through the transformation of raw ingredients into a finished food product prepared in the home including, but not limited to, jams, jellies, pickles, baked goods and confections.

Home processor: A market vendor who sells home processed foods prepared by market vendor who has control over the means and methods of production, assumes principal financial and liability risk for the production enterprise and who is not regularly engaged in the business of manufacturing and selling food as registered with the City of Minneapolis pursuant to Minnesota Statute Section 28A.15 or as recognized by Minnesota law.

Immediately consumable: Products made through the transformation of raw ingredients into a finished food product intended for consumption at the farmers market including, but not limited to, any foods sold heated or prepared on-site, beverages, and ice cream or services that are provided during the designated days and times of the market.

Market manager: The designated contact person responsible for the supervision, management, and control of the public market farmers market, mini market or produce and craft market or municipal market.

Market vendor: Any person or entity selling goods or services at a municipal, farmers, mini, or produce and craft market.

Mini market: A type of farmers market, limited to five (5) or fewer vendors, whose primary purpose is to improve access to locally grown agricultural products.

Plant vendor: A market vendor who resells live plants or non-food plant products purchased from retail stores, wholesalers or agricultural producers, or sells such plants or plant products grown and harvested on land that is not owned or leased by the vendor.

Produce and craft market: A recurring event, held outdoors or in another defined place, where on designated days and times, where market vendors consisting of agricultural producers, home

processors, food market manufacturers, food market distributors, craft producers and vendors of services are organized for the purpose of selling their products directly to the public.

Public market: A defined place regulated by the city for the selling and buying of farm products and other market related products. The three (3) categories of recognized and licensed public markets shall include (1) farmers markets, (2) mini markets and (3) produce and craft markets.

Vendor of services: A market vendor who provides a service intended for immediate consumption including, but not limited to, chair massage and face painting.

Wild harvester: A market vendor who sells products that are grown and harvested on land that is not owned or leased by the harvester, and who is licensed according to Minnesota law or city ordinance.

Section 2. That Section 201.20 of the above-entitled ordinance be amended to read as follows:

201.20. License required. It shall be unlawful for any person to conduct or operate a public market farmers market, mini market or produce and craft market without obtaining a license therefor. The requirements applicable to such license categories shall be as established pursuant to this chapter.

Section 3. That Chapter 201 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 201.30 to read as follows:

201.30. Farmers market requirements. The holder of a farmers market license issued pursuant to this chapter shall comply with the following requirements:

- (1) A minimum of sixty (60) percent of market vendors at farmers markets held between the eligibility dates set by the Farmers Market Nutrition Program must be agricultural producers.
- (2) Farmers markets may contain a maximum combined total of forty (40) percent of the following market vendor types. A maximum of twenty-five (25) percent of total vendors may be non-food vendors, including craft producers and vendors of services.
 - a. Food market distributors, who when reselling produce may only sell produce that is not in season and not available at the market from agricultural producers.
 - b. Home processors.
 - c. Food market manufacturers.
 - d. Craft producers.
 - e. Vendors of services.
 - f. Plant vendors.
- (3) Farmers markets may not contain market vendors of the following types:
 - a. Market vendors selling any entity's non-food product as an agent, franchisee, distributor, or licensee; or on consignment; or by any other third-party arrangement.
 - b. Market vendors selling non-food items such as "vintage," "found," "reclaimed" or "recycled" objects, or any other objects not originally manufactured by the market vendor unless those objects have been substantially transformed by the market vendor into objects of dissimilar form or function from the original.
- (4) Upon initial application, renewal application or request by city staff, farmers markets shall provide a set of bylaws, or in the case that the market is sponsored by another organization, a set of approved operating rules along with the bylaws of the sponsoring organization, that address the market's ownership, governance structure, decision-making process, the market vendors' relationship to the market organization and the means by which vendors' interests are represented and protected in the governance of the market.
- (5) Farmers markets shall become authorized to accept FMNP (Farmers Market Nutrition Program), S/FMNP (Senior Farmers Market Nutrition Program), WIC-CVV (Women, Infants and Children Fruit and Vegetable Vouchers), and any other similar food assistance programs as designated by the director of regulatory services, not including SNAP-EBT (Supplemental Nutrition Assistance Program Electronic Benefits Transfer), within twelve (12) months of licensure.
- (6) Farmers markets shall take place outdoors, with the exception of up to six (6) indoor events per year, as designated on the license application and approved by the appropriate departments in advance of the indoor event or events.

Section 4. That Chapter 201 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 201.40 to read as follows:

201.40. Mini market requirements. The holder of a mini market license issued pursuant to this chapter shall comply with the following requirements:

- (1) Mini markets may contain a maximum of five (5) vendors. At least one (1) vendor must be an agricultural producer.
- (2) Mini markets may contain a maximum of one (1) food market distributor of only fresh fruits and vegetables, and only when those foods are not in season and not available at the market from agricultural producers, and a maximum of one (1) home processor selling foods intended for off-site consumption including pickles, jams, jellies, breads, etc.
- (3) Mini markets may not contain market vendors of the following types:
 - a. Food market manufacturers.
 - b. Vendors of foods intended for immediate consumption.
 - c. Craft producers.
 - d. Vendors of services.
 - e. Plant vendors.
- (4) Mini markets shall take place outdoors, with the exception of up to six (6) indoor events per year, as designated on the license application and approved by the appropriate departments in advance of the indoor event or events.

Section 5. That Chapter 201 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 201.50 to read as follows:

201.50. Produce and craft market requirements. The holder of a produce and craft market license issued pursuant to this chapter shall comply with the following requirements:

- (1) Produce and craft markets may contain market vendors selling self-produced goods, of any type, with a maximum of one (1) market vendor, or ten (10) percent of market vendors, whichever is greater, being food market distributors. Permitted vendors include:
 - a. Agricultural producers.
 - b. Food market distributors, who when reselling produce can only distribute when produce is not in season and not available at the market from agricultural producers.
 - c. Home processors.
 - d. Food market manufacturers.
 - e. Craft producers.
 - f. Vendors of services.
 - g. Plant vendors.
- (2) A minimum of thirty (30) percent of market vendors in produce and craft markets shall be food market vendors (agricultural producers, food market manufacturers, food market distributors, or home processors).
- (3) Produce and craft markets shall not contain market vendors of the following types:
 - a. Market vendors selling any entity's non-food product as an agent, franchisee, distributor, licensee; or on consignment; or by any other third-party arrangement.
 - b. Market vendors selling non-food items such as "vintage," "found," "reclaimed" or "recycled" objects, or any other objects not originally manufactured by the market vendor unless those objects have been substantially transformed by the market vendor into objects of dissimilar form or function from the original.
- (4) Upon initial application, renewal application or request by city staff, produce and craft markets shall provide a set of bylaws, or in the case that the market is sponsored by another organization, a set of approved operating rules along with the bylaws of the sponsoring organization, that address the market's ownership, governance structure, decision-making process, the market vendors' relationship to the market organization and the means by which market vendors' interests are represented and protected in the governance of the market.
- (5) Produce and craft markets may take place outdoors or indoors.

Section 6. That Chapter 201 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 201.60 to read as follows:

201.60. Growers and home processors registration required. It shall be unlawful for any person to conduct or operate as a grower or home processor without registering as a vendor with the City of Minneapolis.

Section 7. That Section 201.30 of the above-entitled ordinance be amended, and renumbered as Section 201.70 to read as follows:

201.3070. License application. Each applicant for a license to operate a public market farmers market, mini market or produce and craft market shall file an application with the department of licenses and consumer services on forms provided by the department. The director of licenses and consumer services may require such information on the application as the director considers reasonable and necessary, including:

- (1) The full name, date of birth, and current residence address of the applicant.
- (2) If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime.
- (3)(2) The proposed location of the public market farmers market, mini market or produce and craft market and the dates on which and the hours during which the market will be operated and hours of market operations.
- (4)(3) A scaled diagram showing the site plan and layout of the market stalls with an indication of the portion thereof intended to be used in the conduct of such business pursuant to the license.
- (5)(4) A list of all food market manufacturers and food market distributors market vendors at the public market farmers market, mini market or produce and craft market.
- (6)(5) The market manager's name, residence address, and telephone contact number.

Section 8. That Section 201.40 of the above-entitled ordinance be amended, and renumbered as Section 201.80 to read as follows:

201.480. License fee and when licenses expire. The licensee of a public market farmers market, mini market or produce and craft market shall pay an annual license fee as established in Appendix J, License Fee Schedule. Licenses issued under this chapter shall expire on April first of each year.

Section 9. That Section 201.50 of the above-entitled ordinance be amended, and renumbered as Section 201.85, to read as follows:

201.5085. License adverse action. An application or approved license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:

- (1) The application contains material omissions or false, fraudulent, or deceptive statements.
- (2) The premises is are operated in such a manner as constituting a public nuisance per this Code or Minnesota Statute 609.74 and 609.745.
- (3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to building maintenance, fire prevention, and health or safety.

The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

Section 10. That Section 201.60 of the above-entitled ordinance be amended, and renumbered as Section 201.90 to read as follows:

201.6090. Duties of market manager. Each licensed farmers market, mini market or produce and craft market shall designate a market manager who is responsible for the supervision, management and control of the licensed market. The market manager shall prepare rules and regulations relative to the care and conduct of said public market farmers market, mini market or produce and craft market and the placing of vehicles therein, preservation of order, prevention and removal of obstructions and nuisances, removal of vagrants and disorderly persons or persons found loitering therein, and the seizure of unhealthy, unwholesome or noxious substances. The market manager or designee is

responsible for the operation of the public market farmers market, mini market or produce and craft market and must be present when the market is open to the public. The market manager shall:

- (1) Complete an environmental health plan review and pay the applicable plan review fee as indicated in Appendix J, License Fee Schedule.
- (2) Provide fully operational and stocked toilet facilities shall be available to all market customers and market vendors.
- (3) Provide sufficient potable water to meet the needs of each market vendor.
- (4) ~~Insure~~ Ensure that all market food distributors and market food manufacturers are located on vendors of immediately consumable foods are operating from a hard, smooth and easily cleanable surface.
- (5) ~~Insure~~ Ensure prompt removal of all trash and debris from the market and areas of public right of way within one hundred (100) feet of the public market farmers market, mini market or produce and craft market and in accordance with the Code of Ordinances.
- (6) Ensure that all food market manufacturers and food market distributors are licensed prior to vending. Food market manufacturer and food market distributor licenses must be renewed yearly.
- (7) Ensure all agricultural producers and home processors who may be exempt from licensure under Minnesota Statute Section 28A.15 have received approval to operate at farmers, mini and produce and craft markets under such classification. Approval shall be granted by the director of environmental health or the director's designee. Such market vendors must renew their registration documentation annually.
- (8) Ensure a current list of all food market vendors selling or sampling food at the farmers, mini or produce and craft market is available to city staff to review at all times during which the market is open and operating.
- (9) Ensure that the market complies with the percentages stipulated to in this chapter for the number of food to non-food market vendors and/or agricultural producers to other market vendor types.
- (10) Ensure all farmers, mini and produce and craft markets and market vendors comply with the Minnesota Food Code (Minnesota Rules, Chapter 4626) and all applicable ordinances.

Section 11. That Chapter 201 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 201.95 to read as follows:

201.95. Market manager, records. The market manager must maintain a record, on site and easily accessible to health inspectors and other officials, of all market vendors who qualify for exemption under Minnesota State Statute 28A.15, Subd. 9 & 10. Each individual vendor record must contain at minimum the following data: applicant name, home number, business name, phone number, mailing address, email, name of farm/garden, name of owner of the farm/garden, address of farm/garden, telephone of farm/garden owner, approximate total acres of farm/garden, percent cultivated by vendor, list of farm products sold, Minneapolis location(s) where products are sold, and list vehicles used for delivery of farm products. This data must be available upon request by City staff.

Section 12. That Section 201.70 of the above-entitled ordinance be amended, and renumbered as Section 201.100 to read as follows:

201.70100. Health requirements. A food market distributor or food market manufacturer shall meet the following requirements in addition to any already noted in Chapters 186 and 188:

- (1) Completion of an environmental health plan review and pay the applicable plan review fee as indicated in Appendix J, License Fee Schedule.
- (2) Food market manufacturer shall complete an approved two (2) hour food handler safety class.

Section 13. That Section 201.80 of the above-entitled ordinance be amended, and renumbered as Section 201.110 to read as follows:

201.80110. Food sampling, demonstrations and surfaces. (a) ~~Market food distributors and market food manufacturers~~ vendors may provide food samples in accordance with the requirements of the Minnesota Food Code as referenced, including and Chapters 186 and 188 of this Code. Samples shall only be offered in individual portions and served only by the market vendor with individual paper

napkins, soufflé cups or toothpicks. Samples ~~may be distributed with tongs~~ shall be dispensed with a clean and sanitized utensil or a person wearing disposable gloves.

(b) Market-sponsored food and cooking demonstrations that include distribution of samples to market patrons shall be permitted, provided that the market has a trained and certified food manager on site who shall be responsible for ensuring compliance with all requirements of the food code. The manager shall be responsible for maintaining a log of each cooking demonstration that contains information identifying the person conducting the demonstration, the products sampled, and the demonstrator's contact information including home or business address, telephone number and electronic mail address if applicable. Records of the required log shall be maintained on file for one (1) year and provided to city staff upon request.

(c) Non-food market vendors and agricultural producers shall be permitted to vend from an unpaved surface provided the market and market vendors comply with all requirements of the food code.

Section 14. That Chapter 201 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 201.120 to read as follows:

201.120. Insurance. A license for a farmers market, mini market and produce and craft market, any part of which is on a street, sidewalk or other public right-of-way, may be granted only after the applicant has filed with the division of licenses a liability insurance policy, or evidence thereof, which policy shall provide coverage in the amount of two hundred thousand dollars (\$200,000.00) for one (1) claimant and six hundred thousand dollars (\$600,000.00) for any number of claimants, and shall specifically provide for the payment by the insurance company on behalf of the insureds of all which the insureds shall become obligated to pay by reason of liability, imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insureds occurring on any public right-of-way pursuant to the provisions of this chapter. The applicant and the city shall be named as joint insureds on the liability policy.

Section 15. That Chapter 201 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 201.130 to read as follows:

201.130. Dogs in outdoor market areas. Nothing in this chapter shall prohibit any person patronizing a market licensed pursuant to this chapter from lawfully having a dog accompany them in any outdoor public area of the market, subject to all requirements of law including any applicable provision of the food code. A market licensed pursuant to this chapter shall be exempted from any requirement to apply for approval to allow dogs in outdoor areas pursuant to Chapter 235 of this Code.

Adopted 11/4/2011. Yeas, 12; Nays, 1 as follows:

Yeas - Samuels, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Johnson.

Nays - Gordon.

Ordinance 2011-Or-096 amending Title 10, Chapter 202 of the Minneapolis Code of Ordinances relating to *Food Code: Municipal Market*, amending Sections 202.10, 202.35, 202.40, 202.50, 202.60, 202.70, 202.80, 202.90, 202.100, 202.110, 202.120, 202.130, 202.140, 202.150, 202.160, 202.170, 202.180, 202.190, 202.200, 202.210, 202.220, 202.230, 202.240, 202.250, 202.260, 202.270, 202.280, 202.290, 202.330, and 202.340 to amend definitions and regulations related to municipal market licensure and operation, was adopted 11/4/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-096
By Gordon
Intro & 1st Reading: 7/22/2011
Ref to: RE&E
2nd Reading: 11/4/2011

Amending Title 10, Chapter 202 of the Minneapolis Code of Ordinances relating to Food Code: Municipal Market.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 202.10 of the above-entitled ordinance be amended to read as follows:

202.10. Definitions. The terms defined in Section 201.10, as used in this chapter, shall have the meanings provided therein. Additionally, As used in this chapter, the following terms term municipal market shall mean:

Producer: Any person actually engaged in the business of producing farm products on land owned or leased by such person or which such person has been permitted to use, or a member of the family or agent of such person or an employee working on the farm, orchard or garden of such person.

Municipal market: A a city owned and regulated place together with the buildings thereon designated in this chapter for the selling and buying of farm products and other market related products.

Section 2. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.35 to read as follows:

202.35. Health requirements. A food market distributor or food market manufacturer shall meet the following requirements in addition to any requirements prescribed by Chapters 186 and 188:

- (1) Completion of an environmental health plan review and payment of the applicable plan review fee as established in Appendix J, License Fee Schedule.
- (2) A food market manufacturer shall complete an approved two (2) hour food handler safety class.

Section 3. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.40 to read as follows:

202.40. Growers and home processors registration required. It shall be unlawful for any person to conduct or operate as a grower or home processor without registering as a vendor with the City of Minneapolis.

Section 4. That Section 202.40 of the above-entitled ordinance be amended, and renumbered as Section 202.50 to read as follows:

202.4050. License application. Each applicant for a license to operate a municipal market shall file an application with the department of licenses and consumer services on forms provided by the department. The director of licenses and consumer services may require such information on the application as the director considers reasonable and necessary, including:

- (1) The full name, date of birth, and current residence address of the applicant.
- (2) If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime.
- (3) The proposed location of the municipal market and the dates ~~on which and the hours during which the market will be operated~~ and hours of market operations.
- (4) A scaled diagram showing the site plan and layout of the market stalls with an indication of the portion thereof intended to be used in the conduct of such business pursuant to the license.
- (5) A list of all vendors at the municipal market.
- (6) The market manager's and designee's names, residence addresses, and telephone contact numbers.

Section 5. That Section 202.50 of the above-entitled ordinance be amended, and renumbered as Section 202.60 to read as follows:

202.5060. License fee and when licenses expire. The licensee of a municipal market shall pay an annual license fee as established in Appendix J, License Fee Schedule. Licenses issued under this chapter shall expire on April first of each year.

Section 6. That Section 202.60 of the above-entitled ordinance be amended, and renumbered as Section 202.70 to read as follows:

202.6070. License adverse action. An application or approved license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:

- (1) The application contains material omissions or false, fraudulent, or deceptive statements.

- (2) The premises is are operated in such a manner as constituting a municipal nuisance per this Code or Minnesota Statute 609.74 and 609.745.
- (3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to building maintenance, fire prevention, and health or safety.

The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

Section 7. That Section 202.70 of the above-entitled ordinance be amended, and renumbered as Section 202.80 to read as follows:

202.7080. Established. (a) That tract of land described as Lot 1, Block 3, Glenwood Renewal Subdivision No. 2, originally acquired by the city in condemnation proceedings No. 27 and No. 28, for a site for a municipal market, with such additions and extensions as may hereafter be made thereto, is designated and established as the municipal market of the city, for the barter and sale of vegetables, fruits, plants, cut flowers and related market products, and any other article of farm produce, subject to all the regulations and provisions of this chapter and to such other rules and regulations adopted in the manner herein provided. The municipal market shall consist of a minimum of seventy-five (75) percent vendors of food products.

(b) The public market that exists as of the date of adoption of this subsection, located in the geographic area bounded by Third Avenue North to the north, Border Avenue North to the east, East Lyndale Avenue North to the west, and the property line between 200 East Lyndale Avenue North and 188 1/2 Glenwood Avenue to the south, may be continued in existence as a licensed adjunct market to the municipal market. The adjunct market shall consist of a minimum of seventy-five (75) percent vendors of food products and the licensee shall designate a market manager responsible for the supervision, management, and control of the market. The adjunct market shall make application for license in the manner provided by section 202.50 and shall be subject to adverse license action as provided by section 202.70, and in all other respects shall be subject to the requirements of the food code and the requirements imposed upon a municipal market by this chapter. The licensee may be a person, nonprofit or for-profit organization, or other legal entity and shall pay an annual license fee as established in Appendix J, License Fee Schedule.

Section 8. That Section 202.80 of the above-entitled ordinance be amended, and renumbered as Section 202.90 to read as follows:

202.8090. Sale of items other than foodstuffs. Sale of handicraft and works of art shall be permitted in surplus space in the municipal market during the hours established for the operation of the market, if the space needs of the aforementioned commodities have been satisfied. Such space shall be allocated in the order of making application therefor.

Section 9. That Section 202.90 of the above-entitled ordinance be amended, and renumbered as Section 202.100 to read as follows:

202.90100. Position of market manager created; supervision duties. (a) There shall be a market manager who shall, under the direction of the city finance officer, have the supervision, management and control of said municipal market. The market manager may be appointed a special police officer by the mayor to exercise police powers within the municipal market and the territory adjoining and surrounding said market, as may be defined in the order of appointment under Section 3 of Chapter VI of the Charter.

(b) If the city shall enter into a contract with any individual, corporation or association, for the operation of the market for the city, the market manager shall be appointed by and be an employee of said individual, corporation or association; but the appointment must be approved by the city finance officer who will hold the individual, corporation or association together with their appointed market manager responsible for the orderly operation of the market in conformity with the said contract and this Code.

Section 10. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.110 to read as follows:

202.110. Duties of market manager. The municipal market shall designate a market manager who is responsible for the supervision, management and control of that market. The market manager

shall prepare rules and regulations relative to the care and conduct of the market and the placing of vehicles therein, preservation of order, prevention and removal of obstructions and nuisances, removal of vagrants and disorderly persons or persons found loitering therein, and the seizure of unhealthy, unwholesome or noxious substances. The market manager or designee is responsible for the operation of the municipal market and must be present when the market is open to the public. The market manager shall:

- (1) Complete an environmental health plan review and pay the applicable plan review fee as indicated in Appendix J.
- (2) Provide fully operational and stocked toilet facilities to all market customers and market vendors.
- (3) Provide sufficient potable water to meet the needs of each market vendor.
- (4) Ensure that all market vendors of immediately consumable foods are operating from a hard, smooth and easily cleanable surface.
- (5) Ensure prompt removal of all trash and debris from the market and areas of public right of way within one hundred (100) feet of the municipal market and in accordance with the Code of Ordinances.
- (6) Ensure that all food market manufacturers and food market distributors are licensed prior to vending. Food market manufacturer and food market distributor licenses must be renewed yearly.
- (7) Ensure all agricultural and home processors who may be exempt from licensure under Minn. Statute Section 28A.15 have received approval to operate at the markets. Approval shall be granted by the director of environmental Health or the director's designee. Such market vendors must renew their registration documentation annually.
- (8) Ensure a current list of all food market vendors selling or sampling food at the markets is available to city staff to review at all times in which the markets are open and operating.
- (9) Ensure that the market complies with the percentages stipulated to in this chapter for the number of food to non-food market vendors and/or agricultural producers to other market vendor types.
- (10) Ensure all market vendors comply with the Minnesota Food Code (Minnesota Rules, Chapter 4626) and all applicable ordinances.

Section 11. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.120 to read as follows:

202.120. Market manager, records. The market manager must maintain a record, on site and easily accessible to health inspectors and other officials, of all market vendors who qualify for exemption under Minnesota State Statute 28A.15, Subd. 9 & 10. Each individual vendor record must contain at minimum the following data: applicant name, home number, business name, phone number, mailing address, email, name of farm/garden, name of owner of the farm/garden, address of farm/garden, telephone of farm/garden owner, approximate total acres of farm/garden, percent cultivated by vendor, list of farm products sold, Minneapolis location(s) where products are sold, and list vehicles used for delivery of farm products. This data must be available upon request by city staff.

Section 12. That Section 202.100 of the above-entitled ordinance be amended, and renumbered as Section 202.130 to read as follows:

202.100130. Applications for stalls. Forms of applications for the right to lease any stall or stalls, or for a permit to use any stall or stalls, shall include a clause by which the applicant for said lease or permit agrees to abide by each and all of the provisions of this chapter and all rules and regulations promulgated as provided herein, to furnish under oath, if desired, such information with reference to applicant's address, character, nature and extent and location of applicant's business, the names and amounts of the products that the applicant produces, or which the applicant sells on the municipal market, the period when the applicant comes to the municipal market, and such other data as may be deemed necessary for the protection of the public welfare and the proper administration of the municipal market; and to consent to immediate cancellation of any lease or permit by the market manager and to summary ejection by the market manager within twenty-four (24) hours after such cancellation of any lease or permit. No person shall use or occupy any stall or other space in said municipal market without first paying the rental herein provided.

Section 13. That Section 202.110 of the above-entitled ordinance be amended, and renumbered as Section 202.140 to read as follows:

202.140 ~~202.140~~. **Rentals.** (a) Upon recommendation of the city finance officer, the city council shall fix from year to year the length of the market season, the market fees and stall rentals, service charges, and any market concession rentals. When the market is operated under contract with an individual, corporation or association, the market season and market fees shall be fixed by the individual, corporation, or association subject to the approval of the city finance officer and review of the council from time to time. The market manager shall assess and collect such fees and rentals from all persons who occupy such stall spaces on the municipal market for selling purposes. In recommending stall rentals, the city finance officer may classify the stall spaces, both underneath and outside of market sheds, according to desirability of location and other factors affecting their value, and different charges may be made for such different classes of stalls. In order to better utilize the selling spaces on the market, the market manager may rent a single stall to two (2) or more persons under adequate rules and regulations, and in such case a fixed scale of reduced rentals may be made to apply. Each year the city finance officer shall create and maintain a file listing the classes of stalls on the municipal market and the stall numbers which make up such class, together with the rental charges for the stalls, service charges and concession rentals which have been fixed by the city council.

(b) In assigning market stalls on a seasonal basis, the market manager may separate vendors into classes according to the kinds of products which they sell or the periods during which they come to the municipal market, or both, and assign certain market sheds or certain sections of such sheds to certain classes of vendors, in such a way that the best interests of the market will be served. Unless it is desirable to transfer a person from one (1) stall to another, in order to place the person with the proper class, a person who rents a stall one (1) year shall have the renewal of that stall for the next year provided the person has complied with the provisions of this chapter and the market rules a regulation.

Section 14. That Section 202.120 of the above-entitled ordinance be amended, and renumbered as Section 202.150 to read as follows:

202.150 ~~202.120~~. **Market available to producers.** (a) All farm producers and market gardeners who raise their own produce shall have first priority to the use of the municipal market on terms of equality and without discrimination, and subject to the provisions of this chapter. They shall be allowed to sell on the municipal market wholesome fresh, canned, dried or prepared food products of their own production or preparation; also certain other products of their farm, garden, greenhouse, apiary, or of the forest, such as flowers, plants, nuts, herbs, hay, straw, Christmas trees and greens; provided, that in so doing they comply with all of the provisions of this Code and other applicable laws covering the handling and distribution of edible food products.

(b) When a producer is unable temporarily to come to market, or when the quantity of the marketable products is too small to warrant the producer to come, the producer may send the products to municipal market by a neighboring producer; provided, that the latter acts only in the capacity of an agent of the first producer and does not purchase the products involved and provided further, that the producer involved secure from the market manager a permit covering such action. Before issuing such permit, the market manager may require, under oath, such information from the applicant as may be deemed necessary.

Section 15. That Section 202.130 of the above-entitled ordinance be amended, and renumbered as Section 202.160 to read as follows:

202.160 ~~202.130~~. **Open hours.** The municipal market shall be open for business during such hours as shall be determined by the market manager with the approval of the city finance officer, so as to best serve the reasonable needs of the farmers, market gardeners and the public.

Section 16. That Section 202.140 of the above-entitled ordinance be amended, and renumbered as Section 202.170 to read as follows:

202.170 ~~202.140~~. **Hours for vehicles.** In order that the market may be properly cleaned, the market manager may fix in the market rules and regulations the hours during which all or part of the municipal market shall be cleared of vehicles, and during such prescribed hours no person shall drive a vehicle into the municipal market in violation of such rules, or refuse to remove his vehicle from the market promptly upon the order of a market employee.

Section 17. That Section 202.150 of the above-entitled ordinance be amended, and renumbered as Section 202.180 to read as follows:

202.150180. Display of produce; removal of unwholesome produce. All vegetables, provisions or produce offered for sale in the municipal market shall be placed in such manner as the market manager may direct. If any such vegetables, provisions or produce shall be deemed by the market manager to be unwholesome or unfit to be consumed or used, the market manager shall order the owners thereof to remove same immediately from the municipal market; and if such owner shall neglect or refuse to obey such order, the market manager shall remove same without delay. Failure to obey is just cause for revocation of permit.

Section 18. That Section 202.160 of the above-entitled ordinance be amended, and renumbered as Section 202.190 to read as follows:

202.160190. Removal from market; disposal of refuse. The occupant of such stall or space in the municipal market, within a half hour after the time for the closing of the market, shall cause his produce, wares, and vehicle to be removed from the market and shall cause his stall to be thoroughly cleaned and all refuse or vegetable rubbish to be removed from the market and disposed of in accordance with directions of the market manager, unless, in case of emergency, the market manager shall otherwise direct.

Section 19. That Section 202.170 of the above-entitled ordinance be amended, and renumbered as Section 202.200 to read as follows:

202.170200. Receipts to be given; identification of sellers. In order that business conducted on the municipal market may be facilitated, and disputes, mistakes, dishonesty and fraud eliminated so far as possible, the market manager may and shall for all nonfarm products, require, through market rules and regulations, that sellers deliver to buyers approved sales slips, receipts and contracts for future delivery covering any or all business transactions involving goods displayed for sale, offered for sale or sold on the municipal market, or covering goods offered by sellers on the municipal market for future delivery. The market manager may also require through market rules and regulations that every person who sells on the municipal market display an approved sign in an approved space in connection with the seller's stall space or on the seller's truck, giving the name and address and other identification of the producer or dealer operating in the stall space.

Section 20. That Section 202.180 of the above-entitled ordinance be amended, and renumbered as Section 202.210 to read as follows:

202.180210. Eating facilities. (a) The city council may conduct on the market, eating places which will provide the buyers and sellers on the market with suitable accommodations of this nature; or, in its discretion, it may rent such facilities, under such rules and regulations as it may prescribe, to a private party. When such action is made effective, thereafter no other person shall display, offer for sale on the market grounds or in buildings thereon any prepared foods or beverages designed for the immediate consumption of the buyers and sellers on the market. It shall be understood that the refectory privileges on the market, whether operated by the city or by a private party, carry with them the exclusive right to sell such foods and beverages on the market.

(b) Provided, that the city council may permit any duly licensed caterer to vend his goods, wares and merchandise in a place or stall properly assigned to such caterer by the city finance officer acting through the market manager and upon such conditions and regulations as the city finance officer shall impose and direct. Any person desiring to so operate shall make application to the market manager for such a permit and shall pay an appropriate fee for such permit.

Section 21. That Section 202.190 of the above-entitled ordinance be amended, and renumbered as Section 202.220 to read as follows:

202.190220. Shoplifting. No person shall remove any products, containers for products, or any other property from the truck of, or the display space allotted to, any person who sells on the municipal market without previously having purchased and paid for, or without previously having made arrangements satisfactory to the seller for the purchase or transfer of such products, containers or other property.

Section 22. That Section 202.200 of the above-entitled ordinance be amended, and renumbered as Section 202.230 to read as follows:

202.200230. Acts prohibited generally. No person shall willfully deface or damage the buildings, pavement or other physical equipment of the municipal market. No person shall deposit unsold merchandise, vegetable refuse or other garbage, broken crates, boxes, barrels or pieces thereof, paper or other rubbish on the municipal market, nor burn any such garbage or rubbish on said market except in places which may be provided for the specific purposes. No person shall slaughter or draw any animal or fowl within the municipal market. No person shall distribute, scatter about, or post on the municipal market any advertising pamphlet, card, handbill or other printed matter, nor shall any person beg, loiter, solicit patronage for any business, or sell or attempt to sell real estate, animals, meat, butter, junk, or vehicles on the municipal market. No person shall make any public outcry, do hawking or give any musical or other entertainment for the purpose of drawing customers or to attract attention. The market manager, however, may arrange for or otherwise procure such entertainment, music, displays, or other forms of promotion for the purpose of encouraging public patronage of the market provided, however, no such display, promotion or other device may be used in any way to promote any political party, candidate, or any proposal subject to a vote of the people of Minneapolis or any segment of the population whether said vote be subject to official election laws or rules or fall under some other jurisdiction, official or unofficial, and further such entertainment, music, or display shall first be approved by the city engineer.

Section 23. That Section 202.210 of the above-entitled ordinance be amended, and renumbered as Section 202.240 to read as follows:

202.210240. Parking. No person shall park his vehicle on the municipal market grounds during market hours except while he is transacting legitimate market business in the market.

Section 24. That Section 202.220 of the above-entitled ordinance be amended, and renumbered as Section 202.250 to read as follows:

202.220250. Inspections. All products sold or bought on the municipal market shall be open to the inspection of duly authorized city or state health officials and the officials of the municipal market.

Section 25. That Section 202.230 of the above-entitled ordinance be amended, and renumbered as Section 202.260 to read as follows:

202.230260. Unwholesome products prohibited. No food product shall be offered for sale, displayed or sold on the municipal market which is unwholesome or unfit for food.

Section 26. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.270 to read as follows:

202.270. Food sampling, demonstrations and surfaces. (a) Market vendors may provide food samples in accordance with the requirements of the Minnesota Food Code as referenced, and Chapters 186 and 188 of this Code. Samples shall only be offered in individual portions and served only by the market vendor with individual paper napkins, soufflé cups or toothpicks. Samples shall be dispensed with a clean and sanitized utensil or a person wearing disposable gloves.

(b) Market-sponsored food and cooking demonstrations that include distribution of samples to market patrons shall be permitted, provided that the market has a trained and certified food manager on site who shall be responsible for ensuring compliance with all requirements of the food code. The manager shall be responsible for maintaining a log of each cooking demonstration that contains information identifying the person conducting the demonstration, the products sampled, and the demonstrator's contact information including home or business address, telephone number and electronic mail address if applicable. Records of the required log shall be maintained on file for one (1) year and provided to city staff upon request.

(c) Non-food market vendors and agricultural producers shall be permitted to vend from an unpaved surface provided the market and market vendors comply with all requirements of the food code.

Section 27. That Section 202.240 of the above-entitled ordinance be and is hereby repealed.

202.240. Ready-to-eat foods prohibited. ~~No ready-to-eat foods or foods available for immediate consumption shall be offered for sale, displayed, or sold on the Nicollet Mall extension of the municipal market bounded by the area on Nicollet Avenue from Washington Avenue to South Thirteenth Street.~~

Section 28. That Section 202.250 of the above-entitled ordinance be amended, and renumbered as Section 202.280 to read as follows:

202.250280. Removal of violators. The market manager shall have the authority to order and remove any person from the municipal market who is guilty therein of any violation of this chapter, or

who shall fail to obey any lawful orders of the market manager.

Section 29. That Section 202.260 of the above-entitled ordinance be amended, and renumbered as Section 202.290 to read as follows:

202.260290. Forfeiture of space. Any lessee of any stall, or any person having a license or permit to occupy any stall or space in the municipal market, who shall be twice convicted of any violation of this chapter or of any rule relating to his conduct or the conduct of any of his officers or agents on the municipal market, shall upon his second conviction automatically forfeit his lease or permit. Any lessee who shall use or attempt to use any stall or space for any purpose other than that for which it was specifically rented, or other than is permitted by the provisions of this chapter, shall forthwith forfeit his lease to said stall or space.

Section 30. That Section 202.270 of the above-entitled ordinance be amended, and renumbered as Section 202.300 to read as follows:

202.270300. Alcoholic beverages prohibited. No person shall have in his possession, or use, sell or give away in the municipal market, any wines, or spirituous, intoxicating, mixed or fermented liquors or beer.

Section 31. That Section 202.280 of the above-entitled ordinance be amended, and renumbered as Section 202.310 to read as follows:

202.280310. Resisting market manager. No person shall resist the market manager in the lawful discharge of his duties.

Section 32. That Section 202.290 of the above-entitled ordinance be amended, and renumbered as Section 202.320 to read as follows:

202.290320. Use of proceeds from market. All receipts from the operation of the market shall be credited to the market operation fund, and all expenditures incident to the administration, operation and maintenance of said market shall be charged against said market operation fund. The city council may from time to time transfer any balances in said market operation fund not needed for the administration, operation and maintenance of the market to the sinking fund for the purpose of retiring bonds sold for the construction of the market.

Section 33. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.330 to read as follows:

202.330. Insurance. A license for a municipal market, any part of which is on a street, sidewalk or other public right-of-way, may be granted only after the applicant has filed with the division of licenses a liability insurance policy, or evidence thereof, which policy shall provide coverage in the amount of two hundred thousand dollars (\$200,000.00) for one (1) claimant and six hundred thousand dollars (\$600,000.00) for any number of claimants, and shall specifically provide for the payment by the insurance company on behalf of the insureds of all which the insureds shall become obligated to pay by reason of liability, imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insureds occurring on any public right-of-way pursuant to the provisions of this chapter. The applicant and the city shall be named as joint insureds on the liability policy.

Section 34. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.340 to read as follows:

202.340. Dogs in outdoor market areas. Nothing in this chapter shall prohibit any person patronizing a market licensed pursuant to this chapter from lawfully having a dog accompany them in any outdoor public area of the market, subject to all requirements of law including any applicable provision of the food code. A market licensed pursuant to this chapter shall be exempted from any requirement to apply for approval to allow dogs in outdoor areas pursuant to Chapter 235 of this Code.

Adopted 11/4/2011. Yeas, 12; Nays, 1 as follows:

Yeas - Samuels, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Johnson.

Nays - Gordon.

RE&E & W&M/Budget - Your Committee, having under consideration the Healthy Homes Thriving Communities Project which assesses low-income housing in Minneapolis for the presence of safety and health hazards, now recommends that the proper City officers be authorized to execute a grant

NOVEMBER 4, 2011

agreement with the United States Department of Housing and Urban Development to accept \$1,860,000 to be used for activities related to reducing health hazards in homes. Further, passage of the accompanying resolution appropriating \$1,860,000 to the Department of Regulatory Services.

Adopted 11/4/2011.

RESOLUTION 2011R-567

By Glidden and Hodges

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Federal Fund (01300-8350300) by \$1,860,000 and increasing the revenue estimate (01300-8350300) by \$1,860,000.

Adopted 11/4/2011.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration unpaid assessments for snow and ice removal from public sidewalks, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting and levying the assessments for the removal of snow and ice from public sidewalks on the list of properties dated August 19, 2011, with the adjustments recommended by staff following the Administrative Hearing held on September 26, 2011.

Glidden moved that the assessment against the property located at 3400 3rd Ave S in the amount of \$189.75 be waived and the total amount of the assessment roll be reduced accordingly. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/4/2011.

Resolution 2011R-568, adopting and levying the assessments for the unpaid charges for the removals of snow and ice from public sidewalks on the list of properties dated August 19, 2011, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-568

By Colvin Roy

Adopting and levying the assessments for the unpaid charges for the removals of snow and ice from public sidewalks on the list of properties dated August 19, 2011.

Whereas, preliminary to the public hearing, an Administrative Hearing was held on September 26, 2011 to consider the objections and comments regarding the unpaid charges for removals of snow and ice from public sidewalks; and

Whereas, the Administrative Hearing Officer made a determination in each case presented and the summary of the Hearing is set forth in Petn No 275295; and

Whereas, a public hearing was held on October 25, 2011 in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessment for the property identified as 3400 3rd Ave S, Property ID 03-028-24-42-0001, in the amount of \$189.75, be waived;

That the proposed assessments against the affected properties on the list dated August 19, 2011 set forth in Petn No 275295 in the total amount of \$52,658.14 and as shown on the proposed assessment rolls on file in the office of the City Clerk, be revised to \$52,468.39 as a result of the above waiver, and are hereby adopted and levied.

Be It Further Resolved that the assessments in the total amount of \$52,468.39 be collected in one (1) installment on the 2012 real estate tax statements with interest.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted 11/4/2011.

T&PW - Your Committee recommends passage of the accompanying resolution adopting the assessments, levying the assessments, and adopting the assessment roll for unpaid sanitary sewer service availability charges on the list of properties dated October 18, 2011.

Adopted 11/4/2011.

Resolution 2011R-569, adopting the assessments, levying the assessments, and adopting the assessment roll for sanitary sewer service availability charges (SAC) on the list of properties dated October 18, 2011, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-569
By Colvin Roy

Adopting the assessments, levying the assessments, and adopting the assessment roll for sanitary sewer service availability charges (SAC) on the list of properties dated October 18, 2011.

Whereas, a public hearing was held on October 25, 2011 in accordance with Minnesota Statutes, Section 429.101 by authority of Minnesota Statutes, Chapter 473, to consider the proposed assessments as shown on the proposed assessment roll on file in the office of City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessments against the affected properties on the 2011 SAC Fees list updated October 18, 2011, set forth in Petn No 275295 in the total amount of \$51,570, as shown on the proposed assessment roll on file in the office of the City Clerk, is hereby adopted and levied.

Be It Further Resolved that the assessments be collected in their entirety on the 2012 real estate tax statements with interest charged at the rate of 5%.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment roll to the Hennepin County Auditor.

Adopted 11/4/2011.

T&PW - Your Committee, to whom was referred the following ordinances amending Title 19 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal*:

a) Amending Chapter 509 relating to *Water*, creating a fixed rate fee structure for water utility service; and

b) Amending Chapter 511 relating to *Sewers and Sewage Disposal*, creating a fixed rate fee structure for sewer utility service;

now recommends that said ordinances be given their second reading for amendment and passage.

Adopted 11/4/2011.

NOVEMBER 4, 2011

Ordinance 2011-Or-097 amending Title 19, Chapter 509, of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Water*, creating a fixed rate fee structure for water utility service, was adopted 11/4/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-097
By Colvin Roy
Intro & 1st Reading: 10/7/2011
Ref to: T&PW
2nd Reading: 11/4/2011

Amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: Water.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 509.730 of the above-entitled ordinance be amended to read as follows:

509.730. Meter Water rates established. Water meter rates shall be set by city council resolution to be effective beginning January 1, 1999, and as revised thereafter. Water rates may be determined by factoring meter size, volume of water used, fixed charges, or any combination thereof.

Section 2. That Section 509.740 of the above-entitled ordinance be and is hereby repealed.

~~**509.740. Minimum rates.** Minimum rates for water shall be set by city council resolution. Charges commence when the street valve is turned on for water service. The minimum bill for an owner occupied residential development serviced by a combined fire/general service line shall be a multiple of the number of units served, times the minimum charge for a three-fourth (3/4) inch meter.~~

Adopted 11/4/2011.

Ordinance 2011-Or-098 amending Title 19, Chapter 511, of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Sewage and Sewage Disposal*, creating a fixed rate fee structure for sewer utility service, was adopted 11/4/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-098
By Colvin Roy
Intro & 1st Reading: 10/7/2011
Ref to: T&PW
2nd Reading: 11/4/2011

Amending Title 19, Chapter 511 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: Sewers and Sewage Disposal.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 511.290 of the above-entitled ordinance be amended to read as follows:

511.290. Sewer utility charges. For the purpose of paying the cost of operation and maintenance of the ~~stormwater drainage system~~ and sewage disposal system, including the sewage treatment works and sewer system; for the cost of construction of such sewage disposal system, including the principal and interest on bonds sold for such construction; and for paying Minneapolis' share of the Metropolitan Council Environmental Services' annual budget as provided in Chapter 473, Minnesota Statutes, a sewer utility charge shall be levied and assessed against every lot, parcel of land, building or premises now or hereafter having connection to the Minneapolis Sewer System or otherwise discharging domestic sewage, commercial or industrial wastewater, or other liquid, gaseous, or solid

wastes either directly or indirectly to the Minneapolis Sanitary Sewer System. ~~Such Sewer utility charges shall be based on the volume of such sewage into the city sewer system as measured or as determined by the volume of water use. may be determined by factoring meter size, volume of sewage discharged into the sewage disposal system, fixed charges, or any combination thereof.~~

Adopted 11/4/2011.

T&PW - Your Committee, to whom was referred the following ordinances amending Title 18 of the Minneapolis Code of Ordinances relating to *Traffic Code*:

a) Amending Chapter 468 relating to *Violation Procedure*, allowing foremen of the City Engineer's Office to issue tags for vehicles parked in violation of traffic code restrictions during officially authorized street maintenance activities; and

b) Amending Chapter 478 relating to *Parking, Stopping, and Standing*, modifying or deleting outdated language pertaining to snow emergency and residential street emergency parking restrictions, creating additional provisions for continuous winter parking restrictions, and clarifying definitions; now recommends that said ordinances be given their second reading for amendment and passage.

Adopted 11/4/2011.

Ordinance 2011-Or-099 amending Title 18, Chapter 468 of the Minneapolis Code of Ordinances relating to *Traffic Code: Violation Procedure*, allowing foremen of the City Engineer's Office to issue tags for vehicles parked in violation of traffic code restrictions during officially authorized street maintenance activities, was adopted 11/4/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-099
By Colvin Roy
Intro & 1st Reading: 10/7/2011
Ref to: T&PW
2nd Reading: 11/4/2011

Amending Title 18, Chapter 468 of the Minneapolis Code of Ordinances relating to Traffic Code: Violation Procedure.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 468.50 of the above-entitled ordinance be amended to read as follows:

468.50 Tags for parked vehicles. Whenever any motor vehicle without an operator is found parked in violation of any of the parking restrictions of the traffic code, the police officer or any other person duly authorized by ordinance finding it shall take its registration number and any other information displayed on the vehicle which may identify its user, and affix conspicuously to such vehicle a written notice for the operator to appear before the traffic violations bureau of the district court at a time and place fixed in said notice. During periods of duly declared snow emergencies or other officially authorized street maintenance activities, all personnel of the city authorized to issue tags for any purpose, and ~~paving~~ foremen of the ~~engineer's~~ public works office, shall be authorized to issue the written notices herein provided for.

Adopted 11/4/2011.

Ordinance 2011-Or-100 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, modifying or deleting outdated language pertaining to snow emergency and residential street emergency parking restrictions, creating additional provisions for continuous winter parking restrictions, and clarifying definitions, was adopted 11/4/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

NOVEMBER 4, 2011

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-100
By Colvin Roy
Intro & 1st Reading: 10/7/2011
Ref to: T&PW
2nd Reading: 11/4/2011

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 478.980 of the above-entitled ordinance be amended to read as follows:

478.980. Definitions. As used herein, the terms (a) "vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks; (b) "street" or "highway" is the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic; (c) "fully plowed" shall mean that snow emergency plowing has been completed to the full width of that side of the street for which parking is prohibited by this chapter; (d) "non-snow emergency route" shall mean all streets and highways other than those posted as a snow emergency route; (e) "winter season" shall mean the period of time beginning November 1st through April 1st of the following calendar year.

Section 2. That Section 478.990 of the above-entitled ordinance be amended to read as follows:

478.990. Declaration. Whenever in the opinion of the city engineer ~~and the chief of police~~ an emergency exists in the city, or in a section or sections thereof, because of snow, freezing rain, sleet, ice, snowdrifts or other natural phenomena which create, or are likely to create, hazardous road conditions impeding, or likely to impede, the free movement of fire, health, police, emergency or other vehicular traffic, or the safety and welfare of the community, the city engineer ~~and the chief of police~~ may declare an emergency to exist for a period of seventy-two (72) hours, but such emergency may be sooner terminated if conditions permit. Notice of such emergency shall be given by press, radio or television, which news media shall be requested to cooperate with the city officials and, when given, such notice shall constitute due and proper notice.

~~The emergency declaration provided for in this section may be limited to the streets designated as snow emergency routes.~~

Section 3. That Section 478.1000 of the above-entitled ordinance be amended to read as follows:

478.1000. Snow emergency parking restrictions. ~~(a) Upon the declaration of a snow emergency by the city engineer and the chief of police, no person shall stop, stand, park or leave any vehicle or permit it to stand upon any street or highway which is a posted "snow emergency route" until the street has been fully plowed, but such restrictions are not to exceed a period of eleven (11) hours from the effective time of the declared snow emergency.~~ For a period of eleven (11) hours beginning at 9:00 p.m. on the day of the declaration of a snow emergency by the city engineer, no person shall stop, stand, park or leave any vehicle or permit it to stand upon any street or highway which is a posted "snow emergency route" until the street has been fully plowed.

(b) For a period of twelve (12) hours beginning at 8:00 a.m. on the morning next following such declaration of a snow emergency or until the street has been fully plowed, vehicle parking on ~~streets and highways other than posted "snow emergency routes"~~ non-snow emergency routes shall be prohibited on the side of the street or highway with even-numbered addresses. This paragraph shall not apply to the Minneapolis parkway system.

(c) For a period of twelve (12) hours beginning at 8:00 a.m. on the second morning following such declaration of a snow emergency or until the street has been fully plowed, vehicle parking on ~~streets and highways other than posted "snow emergency routes"~~ non-snow emergency routes shall be prohibited on the side of the street or highway with odd-numbered addresses. This paragraph shall not apply to the Minneapolis parkway system.

(d) In any winter season following the declaration of any snow emergency by the city engineer and the chief of police, the engineer and chief may impose a parking restriction on non-snow emergency routes to be effective immediately following the snow emergency that prohibits vehicle parking on that side of all streets with even-numbered addresses.

The "winter season" as used in this subdivision shall mean that period from November 1st to April 1st.

Once imposed, the foregoing parking restriction shall remain continuously in effect from and after the date they are effective for the remaining portion of the winter season or until the restriction is removed as follows: The city engineer and chief of police may, at any time during the winter season, act jointly to remove the parking restriction for the remainder of the winter season.

All persons parking vehicles or permitting vehicles to be parked on streets and highways other than snow emergency routes and the Minneapolis parkway system shall comply with this subdivision and all parking regulations imposed pursuant hereto.

The chief of police and city engineer shall give notice of the imposition and removal of the parking restriction imposed by this section through the press, radio or television and shall request the news media to cooperate with the city in conveying notice to the public.

(e) In any given winter season, as defined in subdivision (d), upon the receipt of an official National Weather Service storm forecast of a snow accumulation of five (5) or more inches, the city engineer may announce that there shall be a temporary ban on residential street parking, which ban shall prohibit parking for a forty-eight-hour period commencing at a time specified by the city engineer, but not less than four (4) hours following said announcement. This temporary ban shall prohibit parking on the side of the street with even-numbered addresses. The temporary ban may be rescinded at any time prior to the forty-eight (48) hours if the plowing has been accomplished or the ban is no longer necessary. This subdivision (e) shall not affect other parking regulations and restrictions now or hereafter in effect. The temporary parking ban provided in this subdivision shall not apply to snow emergency routes nor to the Minneapolis parkway system, and shall not be placed in effect while the restrictions provided for in subdivision (d) are in effect.

(f) The procedures and restrictions set forth in sections 478.990 and 478.1000 of this Code may be waived by the city engineer and the chief of police only upon the consent of the mayor and/or president of the city council upon their finding that such waiver is in the best interests of the city.

Section 4. That Section 478.1010 of the above-entitled ordinance be amended to read as follows:

478.1010. Impounding violations: Winter parking restrictions. If any vehicle is parked, abandoned or left standing in violation of the terms of this article, the same may be impounded in accordance with the terms of the motor vehicle impounding ordinances of the city, at the cost and expense of the owner thereof. (a) In any winter season the public works director may impose a continuous winter parking restriction on non-snow emergency routes. Upon the declaration of a winter parking restriction, no person shall stop, stand, park or leave any vehicle or permit it to stand upon the restricted side of any non-snow emergency route. This paragraph shall not apply to the Minneapolis parkway system.

When imposed under this subdivision, the public works director shall designate one (1) side of all non-snow emergency route streets as restricted. The public works director shall provide notice of the imposition and removal of any winter parking restriction, together with all relevant details. Notice of winter parking restrictions shall be accomplished through the press, radio or television and shall request the news media to cooperate with the city in conveying notice to the public and, when given, such notice shall constitute due and proper notice.

(b) Once imposed under subdivision (a), a winter parking restriction shall remain continuously in effect beginning on the date it becomes effective and for the remaining portion of the winter season, or until the restriction is officially removed. Winter parking restrictions imposed under subdivision (a) shall be temporarily suspended during a declared snow emergency to coincide with Section 478.1000 of this Code as follows: commencing at 4:00 p.m. on the first day of the snow emergency, winter parking restrictions will be suspended; at 8:00 a.m. on the third morning following the declaration of the snow emergency, winter parking restrictions will resume. Nothing in this subdivision shall be construed so as to prevent the public works director from imposing a short-term, or temporary winter parking restriction.

Section 5. That Chapter 478 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 478.1020 to read as follows:

478.1020. Impounding violations. If any vehicle is parked, abandoned or left standing in violation of the terms of this article, the same may be impounded in accordance with the terms of the motor vehicle impounding ordinances of the city, at the cost and expense of the owner thereof.

Section 6. That Section 478.1020 of the above-entitled ordinance be amended, and renumbered as Section 478.1030, to read as follows:

~~478.1020.~~ **478.1030. Winter parking in special parking districts.** (a) From time to time the city council may establish, add to, modify or cancel special parking districts. The city engineer shall at all times maintain in his office a complete listing of all such districts, and said listing is hereby incorporated into this Code the same as if fully set forth herein.

(b) A special parking district may be established by the council only after a public hearing and a finding of fact by a committee of the council that there is a need for said special parking district within the area covered. Application for designation of an area as a special parking district shall, if possible, be accompanied by a plan to improve parking in said district.

(c) Those areas designated as special parking districts pursuant to subsection (b) above shall be posted with signs by the city engineer. The signs shall advise that parking is permitted, except during a snow emergency.

(d) Parking shall be prohibited in such special parking districts on that side of the street with even-numbered addresses for a period of twelve (12) hours beginning at 8:00 a.m. on the day following the declaration of a snow emergency or until the street has been fully plowed and shall be prohibited in such special parking districts on that side of the street with odd-numbered addresses for a period of twelve (12) hours beginning at 8:00 a.m. on the second day following the declaration of a snow emergency or until the street has been fully plowed.

Section 7. That Section 478.1030 of the above-entitled ordinance be and is hereby repealed.

~~**478.1030. Residential street emergency parking restrictions.** Whenever in the opinion of the mayor and president of the city council heavy snowfalls or other natural phenomena have constricted streets causing general access and particularly emergency vehicle access to be so impaired as to create a street access emergency, they may declare a street access emergency which shall have the following effect: Parking is prohibited twenty-four (24) hours, seven (7) days per week, on the side of all streets with addresses ending in an even number, except in the downtown central business district, commercial areas and such other areas of the city where parking meters have been installed and as designated by the city engineer, until rescinded by further notice. All other parking regulations and restrictions remain in effect.~~

~~These emergency parking restrictions do not apply to the Minneapolis parkway system.~~

~~At the discretion of the mayor and council president, the parking restriction may be changed to the side of all streets with addresses ending in an odd number.~~

~~Adopted 11/4/2011.~~

T&PW - Your Committee, having under consideration a proposal from a landowner and developer to build single-family homes on platted, vacant lots in the Bryn Mawr neighborhood identified as Inglewood Addition (also known as Anwatin Woods), now recommends:

a) That the proper City officers be authorized to negotiate an infrastructure improvements agreement with Inglewood Development Co., LLC for requested public roadway and utility improvements;

b) That the City Engineer be directed to prepare a report outlining relevant facts related to the requested improvements; and

c) That the City Engineer be directed to return to City Council for final approval of the proposed development agreement with Inglewood Development Co., LLC.

Adopted 11/4/2011.

T&PW - Your Committee, having under consideration the installation of two above-ground liquid fluoride storage tanks for the Water Works Division, now recommends that the proper City officers be authorized to increase the contract with Magney Construction, Inc. (Amendment No 1 to Purchase Order No 237770), increasing the purchase order by \$92,681.17, for a revised total purchase order amount of \$212,560.17, for Change Order No 1 to allow for additional work not included in the original scope of the contract. No additional appropriation required.

Adopted 11/4/2011.

T&PW - Your Committee recommends passage of the accompanying resolution directing the Hennepin County Auditor to cancel the levied 5-year sidewalk repair assessment for the owner of the property located at 4943 Russell Ave N for payable 2012 and subsequent years.

Adopted 11/4/2011.

Resolution 2011R-570, directing the Hennepin County Auditor to cancel the levied 5-year sidewalk repair assessment for the owner of the property located at 4943 Russell Ave N for payable 2012 and subsequent years, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-570

By Colvin Roy

**CANCELLATION OF MINNEAPOLIS PUBLIC WORKS
SIDEWALK REPAIR SPECIAL ASSESSMENT**

Directing the Hennepin County Auditor to cancel a special assessment for sidewalk repair improvements for the payable 2012 and subsequent years' tax files described hereinafter.

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed Resolutions in 2009 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2010 real estate tax statements; and

Whereas, there is the following described assessment that is erroneously being carried on the real estate tax statement due to a full prepayment of the assessment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to the provisions of Chapter 10, Section 15 of the Minneapolis City Charter, the Hennepin County Auditor is hereby directed to cancel the following levied 5-year term special assessment from the 2012 and subsequent years' tax statements:

<u>LEVY</u>	<u>PROJECT</u>	<u>PROPERTY ID</u>	<u>ORIGINAL AMT</u>
01052	10S05	11-118-21-24-0180	\$343.26

Adopted 11/4/2011.

T&PW - Your Committee, having under consideration the RiverLake Greenway Project (Phase 3), now recommends that the proper City officers be authorized to amend the construction agreement with Max Steininger, Inc., increasing the contract by \$135,065.48, for a revised agreement total of \$593,888.74, to allow for the payment of additional work performed as part of the project. No additional appropriation required.

Adopted 11/4/2011.

T&PW - Your Committee, having under consideration a request from residents of the 00 block of Sidney Place (both sides) for the establishment of a "Type B" Critical Traffic and Parking Area, as set forth in Petn No 275295, the Department of Public Works having verified that the petitions submitted represent more than 75 percent of the residents of the affected properties, and the City having determined that the findings are met thereby meeting the requirements for a Critical Parking Area, now recommends passage of the accompanying Ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, establishing Critical Parking Area No 31, No Parking 9 am - 8 pm Daily, Except by Permit.
Adopted 11/4/2011.

Ordinance 2011-Or-101 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending Section 478.730, adding Critical Parking Area No 31, was adopted 11/4/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-101
By Colvin Roy
Intro & 1st & 2nd Readings: 11/4/2011
By Colvin Roy

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 478.730 of the above-entitled ordinance be amended by adding thereto the following Loading Zone:

No. 3688 - Both sides of the 00 block of Sidney Place (Critical Parking Area No 31) (No Parking, Daily from 9 am - 8 pm, Except by Permit).

Adopted 11/4/2011.

T&PW - Your Committee, having under consideration the 10th Ave SE Storm Tunnel Outlet Project, now recommends that the proper City officers be authorized to execute Amendment No 2 to Contract C-28738 (OP 7376) with PCi Roads, LLC for Construction Change Orders 12 - 17, increasing the contract by \$295,861.10, for a revised estimated total contract value of \$4,387,392.91, due to site conditions that differed from those originally anticipated at time of bid. No additional appropriation required.

Adopted 11/4/2011.

T&PW - Your Committee, having under consideration the 10th Ave SE Dewatering Well Construction Project, now recommends that the proper City officers be authorized to execute Amendment No 1 to Contract C-28509 (OP 7357) with Keys Well Drilling Company for Construction Change Orders 1 and 2, increasing the contract by \$33,835.00, for a revised estimated contract total of \$211,585.00, due to differences in soil and bedrock formations than originally anticipated. No additional appropriation required.

Adopted 11/4/2011.

T&PW - Your Committee recommends passage of the accompanying resolution establishing uniform assessment rates for street construction, renovation, resurfacing, and alley resurfacing improvements for the 2012 calendar year.

Adopted 11/4/2011.

Resolution 2011R-571, establishing uniform assessment rates for street construction, renovation, resurfacing, and alley resurfacing improvements for the 2012 calendar year, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-571
By Colvin Roy

Establishing uniform assessment rates for street construction, street renovation, street resurfacing, and alley resurfacing improvements for the 2012 calendar year.

Whereas, the City Council adopted a policy on October 31, 1980 establishing yearly uniform assessment rates for similar improvements at various locations; and

Whereas, the City Council adopted assessment policies on May 22, 1998, June 12, 1998 and December 12, 2008 relating to residential and non-residential properties and relating to Local and Other streets; and

Whereas, the City Council adopted a policy on February 15, 2008 establishing the street resurfacing program and assessment policy relating to residential and non-residential properties; and

Whereas, the City Engineer has submitted the recommended 2012 Uniform Assessment Rates, all as contained in Petn No 275295 on file in the office of the City Clerk;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following rates are hereby established as the 2012 uniform assessment rates and are to be applied in determining the assessments for the benefited parcels for certain types of work to be constructed in the 2011 calendar year:

Construction (street paving, curb and gutter, and other street paving related improvements) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$2.21/sq ft - Non-Residential;

\$0.77/sq ft - Residential.

Renovation (mill and overlay of street surface and selected curb and gutter and street construction as needed) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$1.11/sq ft - Non-Residential;

\$0.39/sq ft - Residential.

Resurfacing (mill and overlay of street surface only) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$0.56 - Non-Residential;

\$0.20 - Residential.

Alley Resurfacing (overlay concrete alleys with bituminous materials) - appropriate rate is applied to the land area of benefited parcels abutting the alley being improved:

\$0.065 - Non-Residential and Residential.

Adopted 11/4/2011.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a two-year contract (with three one-year renewal options) with Whelan Security to provide security services for the Minneapolis Convention Center, Public Works Water Treatment and Distribution Campuses, and the Impound Lot at an estimated not-to-exceed annual cost of \$3.2 million.

Security services will be paid through the following operating funds: Fund 01760 Department 8650124 (\$2.2 million), Fund 07500 Department 06850800 (\$600,000), and Fund 07400 Department 06900200 (\$400,000).

Adopted 11/4/2011.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to expend \$38,000 from the Capital Improvements Fund (04100-600100-507007) to allow for 2011 City of Minneapolis participation in the Minneapolis-Duluth/Superior Passenger Rail Alliance Board for the development of the Northern Lights Express.

Your Committee further recommends that the proper City officers be authorized to amend the Minneapolis-Duluth/Superior Passenger Rail Alliance Joint Powers Agreement to allow for payment of these funds in 2011 and for subsequent years (2012 to 2016) when funding has been budgeted.

Adopted 11/4/2011.

T&PW & W&M/Budget - Your Committee, having under consideration the Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Safe Routes to School funding, now recommends that the proper City officers be authorized to execute agreements with the State of Minnesota for the Preliminary Engineering associated with the Safe Routes to School Walking and Bicycle Education and Enforcement Projects in North and Northeast Minneapolis (S.P. 141-591-005 and 141-591-006; M.P SRTS 2710 (138) and SRTS 2710 (139)).

Adopted 11/4/2011.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute amendments to MnDOT Agreement No 89757 (City Agreement C-23888) and to City Agreement C-23887 with Transit for Livable Communities (TLC) to perform specific work efforts as outlined in and in accordance with MnDOT Agreement No 89757 that:

- Increases the Federal grant funding from \$5,636,000 to \$7,515,308;
- Extends the end date from December 31, 2011 to December 31, 2013;
- Changes the holdback percentage from 10% to 5%; and
- Adds new federal language for the Federal Funding Accountability and Transparency Act (FFATA).

Your Committee further recommends passage of the accompanying resolution increasing the appropriation and revenue in the Permanent Improvement Projects Fund by \$1,879,308 to reflect the increase in grant funding.

Adopted 11/4/2011.

RESOLUTION 2011R-572
By Colvin Roy and Hodges

Amending The 2011 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (0300-943-9462) from \$5,636,000 to \$7,515,308 and increasing the revenue source (0300-943-9462-Source 3210) by \$1,879,308.

Adopted 11/4/2011.

T&PW & W&M/Budget - Your Committee, having under consideration improvements to the pedestrian crossing light at 28th Ave S and Minnehaha Creek, now recommends:

- a) That the Public Works Department be authorized to change the crossing light at 28th Ave S and Minnehaha Creek from constantly blinking to user-actuated;
- b) That funds to complete the work, up to \$4,000, be transferred from the Ward 12 Office Budget to the Public Works Department upon completion; and

c) Passage of the accompanying resolution increasing the appropriation for the work by up to \$4,000.

Adopted 11/4/2011.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-573
By Colvin Roy and Hodges

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Decreasing the appropriation for the Ward 12 Council Office Budget (00100-2600112) by no more than \$4,000; and

b) Increasing the appropriation in the PW-Transportation Capital Agency for expenses related to capital projects (4100-943-9440-CTR1199R100) by up to \$4,000.

Adopted 11/4/2011.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution amending Resolution 2011R-351 entitled "Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses", passed July 1, 2011, to include violations of Title 17 of the Minneapolis Code of Ordinances relating to snow and ice removal on public sidewalks, to include a fine of \$75 for failing to shovel public sidewalks in compliance with City ordinance.

Your Committee further recommends that Public Works staff be directed as follows:

a) To return to the Transportation & Public Works Committee within one cycle with a plan for utilizing civil fines for snow and ice removal on public sidewalks that focuses on chronic offenders; and

b) To incorporate in its upcoming pilot project regarding snow and ice removal from public sidewalks removal procedures at properties that are on the VBR list, including automatic clearing procedures for those properties with assessments back.

Schiff moved that the report be referred back to the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote 11/4/2011.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7518 from Fer-Pal Construction USA, LLC, for an estimated expenditure of \$329,576.80, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the reconstruction of a water main.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 11/4/2011.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7520 from Don Harstad Company, d/b/a Harstad Controls, Inc., for an estimated expenditure of \$884,985.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the Ramp Revenue Control System for the Public Works Transportation Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 11/4/2011.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7521 from Veit and Company, Inc., for an estimated expenditure of \$64,400.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the installation of steel sheeting.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 11/4/2011.

Vice President Lilligren assumed the Chair.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 11/4/2011.

Absent - Glidden, Johnson.

Resolution 2011R-574, authorizing the settlements of *Jermaine Reed* and *Steven Meldahl*, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-574

By Hodges

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of:

a) *Jermaine Reed v. City of Minneapolis, et al.*, by payment of \$20,000 to Jermaine Lasean Reed and his attorneys at Johnston Martineau, PLLP, from the Internal Service Self Insurance Fund (06900-1500100-145400); and

b) *Steven Meldahl v. City of Minneapolis*, by approving resolution of the condemnation matters and settlement of the 2010 Assessment Appeal asserted by Mr. Meldahl, to authorize the Director of Inspections to cancel assessments and fees at 3019 Colfax Avenue North for \$14,380; at 2306 James Avenue North for \$13,060; and at 2500 Humboldt Avenue North for \$6,360; and canceling a Finance Department special assessment for \$81.17 at 3019 Colfax Avenue North for utilities.

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the above settlements.

Adopted 11/4/2011.

Absent - Glidden, Johnson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept and execute a sub-grant agreement with the Domestic Abuse Project (DAP) for the period of January 15, 2011 through December 31, 2012 in an amount not to exceed \$38,938, for domestic violence advocacy professional services.

Adopted 11/4/2011.

Absent - Glidden, Johnson.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #7529 from Twin City Outdoor Services, for an estimated expenditure of \$125,000, to furnish and deliver all labor, materials, equipment and incidentals necessary for Snow Plowing and Removal Services at the

Minneapolis Convention Center for the 2012-2013 snow season. Bidder offers to extend prices, terms and conditions at the sole option of the City of Minneapolis for the 2013-2014 and 2014-2015 snow seasons.

Further, that the proper City officers be authorized and directed to execute a contract for this service, all in accordance with our specifications.

Adopted 11/4/2011.

Absent - Glidden, Johnson.

W&M/Budget - Your Committee, having under consideration Change Order No. 2 for renovations at the 198 Aldrich Avenue facility, now recommends authorizing the proper City Officers to amend and increase contract C-28948 with CM Construction Company, Inc. by \$44,264 for minor changes which were required to resolve unforeseen conditions relating to architectural code changes. No additional appropriation required.

Adopted 11/4/2011.

Absent - Glidden, Johnson.

The ZONING & PLANNING Committee submitted the following reports:

Schiff moved to suspend Council Rule 14 to allow an additional 5 minutes of speaking time for Council Member Colvin Roy. Seconded.

Adopted upon a voice vote 11/4/2011.

Absent - Glidden.

Z&P - Your Committee, having under consideration the appeal filed by Angela Elser from the decision of the Board of Adjustment which approved the application of John & Judith Reiling for a variance to allow for development on or within 40 feet of the top of a steep slope to allow for the new construction of a single-family dwelling on Lot 1 of the property located at 3616 Edmund Blvd in the R1, SH Shoreland Overlay District, and MR Mississippi River Critical Area Overlay District, now recommends that said appeal be denied in part and granted in part, so as to approve the variance with an additional condition directing the applicant to work with staff to reduce the percentage of the home that is cantilevered by 50% in order to reduce the storm water runoff from the development.

Your Committee further recommends that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Colvin Roy moved to amend the report by adding to the two conditions of approval included in the Planning Department staff report being adopted the following additional conditions of approval:

(3) The applicant shall submit a soils engineering report in compliance with Minneapolis Code of Ordinances § 52.110 for review by Public Works. Recommendations in the report that are approved by Public Works shall be incorporated in the grading plans and/or specifications.

(4) The applicant shall submit an erosion and sedimentation control plan in compliance with Minneapolis Code of Ordinances § 52.100 for review by Public Works. The plan shall include all information required in the Code, including, but not limited to the following:

- The silt screening fencing must be maintained and repaired at all times herein
- The site entrance and exit shall be rocked to prevent tracking to the street
- A chronological master construction schedule and time frame for all activity occurring on the site to minimize water run-off related to snow melt and rain events

(5) The applicant shall submit a stormwater management plan for review and approval by Public Works. This plan shall include, but not be limited to, the following information:

- The existing flow pattern and time of concentration
- The proposed flow pattern and time of concentration
- The final pervious and impervious surfaces
- Management of contributing adjacent stormwater

- A final landscape plan designed and implemented to minimize run-off erosion from the property. The applicant must show which trees will be preserved and how they will be protected during and after construction and trees that will be removed and why

(6) As presented by the applicants' architect in Committee, the driveway shall be constructed in a way that does not obstruct water flow and the surface shall be comprised of a pervious material.

(7) As noted by Construction Code Services Plan Review Supervisor, Dan Callahan, in the record, the structural design for the house, driveway, and retaining walls shall be prepared by a structural engineer.

(8) Any violations of the terms and conditions of this approval or applicable provisions of the Code of Ordinances shall be subject to all available enforcement mechanisms of the Code, including, but not limited to the issuance of a "stop work order" if necessary. Seconded.

Adopted by unanimous consent.

Absent - Glidden.

The report, as amended, was adopted 11/4/2011.

Absent - Glidden.

Schiff moved to accept the withdrawal of all land use applications by The Salvation Army before the Council relating to the property at 63 St Anthony Pkwy, and to delete Z&P item number 2 from the agenda. Seconded.

Adopted upon a voice vote 11/4/2011.

Absent - Glidden.

Z&P - Your Committee, having under consideration a remand from the Minnesota Court of Appeals for a new public hearing on land use applications by Continental Property Group (BZZ-1890) for a project originally proposed in 2004 known as Parc Centrale consisting of the following:

- a) conditional use permit for a multiple family dwelling unit, to allow 104 residential units;
- b) conditional use permit to increase the maximum permitted height from 2.5 stories/35 feet to 21 stories/230 feet;
- c) variance to reduce the required corner side yard setback off of Clifton Place from 48 feet to 16 feet for the proposed building and 4 feet for the proposed patio area;
- d) variance to reduce the required rear yard off the south property line from the required 45 feet to 19 feet for the proposed building and 8 feet for the proposed patio area; and
- e) major site plan review for any use containing 5 or more dwelling units, all at 343, 401, 403, and 409 Oak Grove St and 416 Clifton Ave, now recommends that said applications be denied and that the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2011-53-Z&P in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 11/4/2011.

Declining to vote - Goodman, Johnson.

Absent - Glidden.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Creamette Building, LLC, (BZZ-5279) to rezone a portion of the properties at 739 3rd St N and 747 3rd St N from B4N to the B4S-1 Downtown Service District to permit a multiple-family dwelling with 44 units and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 11/4/2011.

Absent - Glidden.

Ordinance 2011-Or-102 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning a portion of the properties at 739 and 747 3rd St N to the B4S-1 District, was adopted 11/4/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-102
By Schiff
1st & 2nd Readings: 11/4/2011

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of vacated alley dedicated in Block 16, Bradford and Lewis's Addition to Minneapolis, lying between the Northeasterly extensions of the Northwesterly and the Southeasterly lines of Lot 1, Block 1, Lofts at 730, Hennepin County (739 and 747 3rd Street N - Plate 13) to the B4S-1 District.

Adopted 11/4/2011.

Absent - Glidden.

President Johnson resumed the Chair.

MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of December, 2011, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 11/4/2011.

Absent - Glidden.

Colvin Roy moved to direct staff to review the condition of the outfall at West River Road and 36th Street and the flow from the outfall to the river; and to determine if energy dissipation measures should be implemented, returning to the T&PW Committee by the second meeting in January, 2012 with findings on the condition and a plan of action. Seconded.

Adopted 11/4/2011.

Absent - Glidden.

RESOLUTIONS

Resolution 2011R-575, recognizing and honoring City of Minneapolis employee veterans and members of the armed forces for their service to the United States of America and for their exemplary commitment to public service, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-575
By Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman,
Glidden, Schiff, Tuthill, Quincy, Colvin Roy, and Hodges

Recognizing and honoring City of Minneapolis employee veterans and members of the armed forces for their service to the United States of America and for their exemplary commitment to public service.

Whereas, November 11th of each year has been formally designated as Veterans Day, a time when the nation comes together to pay tribute to the men and women who have worn the uniform of the United States Armed Forces, and this day is set aside so that all Americans may properly commemorate these patriots; and

Whereas, in an unbroken line of valor stretching across more than two centuries—whether in Active Duty, Reserve, or National Guard—America’s veterans and members of the armed forces have charged into harm’s way, risked their lives, and sometimes paid the ultimate sacrifice, to protect and preserve the liberties and freedoms that have blessed America; and

Whereas, the City of Minneapolis proudly employs more than 460 veterans and members of the armed forces, some of whom are currently deployed in defense of our Nation; and

Whereas, the veterans and members of the armed forces recognized today exhibit the finest qualities of public service, serving their Country as well as the Citizens of the City of Minneapolis, and that service requires extraordinary sacrifice from these service members as well as their families and loved ones; and

Whereas, it is right and proper to recognize and pay tribute to all veterans and members of the armed forces for the great debt of gratitude we owe, but especially to those who have continued their public service as employees of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis hereby expresses its most sincere and heartfelt gratitude, appreciation, and thanks to all its employee veterans and members of the armed forces for their exemplary and ongoing commitment to public service, both as military personnel and as employees of the City of Minneapolis.

Be It Further Resolved that, with respect for and in recognition of the many contributions of our service men and women, the Mayor and City Council hereby present each employee veteran and member of the armed forces a Certificate of Special Commendation as a small token of appreciation for their service to the United States of America and to the City of Minneapolis.

Adopted 11/4/2011.

Absent - Glidden.

Resolution 2011R-576, recognizing Barbara Sporlein for her years of service and dedication as Planning Director for the City of Minneapolis, was adopted 11/4/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-576

**By Schiff, Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren,
Glidden, Tuthill, Quincy, Colvin Roy, Hodges**

Recognizing Barbara Sporlein for her years of service and dedication as Planning Director for the City of Minneapolis

Whereas, Barbara Sporlein has served exceptionally as the Planning Director for the City of Minneapolis for nearly eight years; and

Whereas, under Barb’s leadership, the Planning Division researched, wrote, and conducted a robust community process leading to the adoption of *The Minneapolis Plan for Sustainable Growth*, the city’s 10-year comprehensive plan, as well as twenty-three small area, topical and transit station area plans, twenty rezoning studies, including station area plans along Hiawatha, Central and Southwest LRT corridors; executed a successful sector planning business model; completed *The*

Minneapolis Plan for Arts and Culture, and communicated the value of public art by overseeing the addition of thirty new pieces; and

Whereas, under Barb's leadership, the Planning Division reviewed nearly twenty-five thousand building permits, processed over four-thousand land use applications, five-thousand sign permits, researched and wrote eighty zoning code text amendments, including overhauls of the city's standards related to site plan review, residential density and design, planned unit developments, and off-street parking; and

Whereas, under Barb's leadership, the Planning Division successfully supported Minneapolis Development Review, improving zoning enforcement procedures, established the ability to collect administrative fines, and established Planning as one of the city's first 311 divisions, with nearly nineteen-thousand, 311 service requests –all answered within 99 percent of the established service response times; and

Whereas, under Barb's leadership the Planning Division secured over one-half million dollars in grant funds to stabilize historic properties, enhanced the sensitivity for neighborhood character throughout Minneapolis, completed a ten-year citywide historic resource survey, and extended protections for the city's historic fabric through the designation of twelve individual landmarks and the merger of the local and National Register Minneapolis Warehouse District; and

Whereas, under Barb's leadership, the Planning Division provided staff services to facilitate the city's quasi-judicial review processes through the City Planning Commission, the Heritage Preservation Commission and the Zoning Board of Adjustment; and also provided staff services to the Minneapolis Arts Commission; and

Whereas, Barbara generously lent her expertise to major projects such as Midtown Exchange and Target Field; and provided leadership to city-wide initiatives including Results Minneapolis, Minneapolis Development Review, Standard Operating Procedures, *The Access Minneapolis Plan*, the Environmental Coordinating Team, the Facilities, Space, and Asset Management Team, the Human Resources Performance Management Team, the Enterprise Land Management System, the Early Property Warning System, and numerous other projects; and

Whereas, Barb made it her business to reach out and forge strong working relationships with intergovernmental bodies such as the Minneapolis School Board, the Minneapolis Park and Recreation Board, and the City of St. Paul Department of Planning and Economic Development; and whereas Barb has maintained and expanded intergovernmental relationships with the Metropolitan Council, Hennepin County, the University of Minnesota; and

Whereas, Barbara represented the City of Minneapolis well through her participation in professional associations and organizations such as the American Planning Association, the Urban Land Institute, Junior Achievement, and the Hubert Humphrey School of Public Affairs Mentorship Program; and whereas Barb served as a national co-chair for the 2009 American Planning Association Conference in Minneapolis, became an integral member of the APA Big City Planning Directors Group, and was named a ULI-Daniel Rose Fellow in support of excellence in land use decision making; and

Whereas, Barb demonstrated and modeled high principles, first-rate management skills, and a passion for public service, all while maintaining a keen sense of humor; and

Whereas, in her capacity as Planning Director, Barbara hired, nurtured, and promoted a talented and engaged group of professionals with diverse skill sets united with a common purpose: a Planning Division that responds to immediate needs while simultaneously looking ahead and preparing for the city's future;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council recognizes Barbara Sporlein's excellent contributions to the City of Minneapolis and wishes her well in all of her new ventures, and

That we sincerely thank Barbara Sporlein for her faithful and constructive service in extending the progress of the city and in promoting the welfare of its people; and

That we extend her our best wishes for good health and happiness, trusting that the friendships and understanding built in our mutual undertakings will be with us always.

Adopted 11/4/2011.

Absent - Glidden.

UNFINISHED BUSINESS

Pursuant to notice, Johnson moved to introduce the subject matter of an ordinance amending Title 2, Chapter 21 of the Minneapolis Code of Ordinances relating to *Administration: City Coordinator*, for first reading and referral to the Public Safety, Civil Rights & Health Committee, for a public hearing to be held 11/9/2011 (accounting for the transfer of certain functions from Regulatory Services to the City Coordinator Department relating to emergency management and communications). Seconded.

Adopted upon a voice vote 11/4/2011.

Absent - Glidden.

Pursuant to notice, Lilligren moved to introduce the subject matter of an ordinance amending Title 16, Chapter 419 of the Minneapolis Code of Ordinances relating to *Planning and Development: Neighborhood Revitalization Program*, for first reading and referral to the Committee of the Whole (incorporating a third phase of the program). Seconded.

Adopted upon a voice vote 11/4/2011.

Absent - Glidden.

Pursuant to notice, Schiff and Colvin Roy moved to introduce the subject matter of the following ordinances amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses & Business Regulations*, for first reading and referral to the Regulatory, Energy & Environment Committee:

a) Chapter 323 relating to Peddlers (amending and updating various provisions regulating peddlers);

b) Chapter 333 relating to Solicitors (amending and updating various provisions regulating solicitors); and

c) Chapter 343 relating to Transient (amending and updating various provisions regulating transient merchants). Seconded.

Adopted upon a voice vote 11/4/2011.

Absent - Glidden.

NEW BUSINESS

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code* (amending point-of-conversion inspection requirements).

Goodman, on behalf of Glidden, moved to introduce the subject matter of an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, for first reading and referral to the Regulatory, Energy & Environment Committee (modernizing the Taxicab Code). Seconded.

Adopted by unanimous consent 11/4/2011.

Absent - Glidden.

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses* (repealing Article VIII entitled *Sale of Farm Produce by Profit and Nonprofit Organizations on Public and Private Property*).

Schiff moved to introduce the subject matter of an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, for first reading and referral to the Public Safety, Civil Rights & Health Committee (amending pet licensing provisions). Seconded.

Adopted by unanimous consent 11/4/2011.

Absent - Glidden.

Schiff moved to introduce the subject matter of an ordinance amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, for first reading and referral to the Zoning & Planning Committee (to rezone select parcels in conjunction with adoption of the Chicago Avenue Corridor Plan). Seconded.

Adopted by unanimous consent 11/4/2011.

Absent - Glidden.

Lilligren moved to adjourn to Room 315 City Hall to consider the Max Graves v. Mark Lanasa, United States District Court File No. 10-cv-2349 RHK/JJK lawsuit. Seconded.

Adopted upon a voice vote 11/4/2011.

Absent - Glidden.

Room 315 City Hall

Minneapolis, Minnesota

November 4, 2011 - 12:15 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Samuels, Reich, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Hodges, President Johnson.

Absent - Council Members Gordon, Hofstede, Glidden, Goodman.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Max Graves v. Mark Lanasa*, United States District Court File No. 10-cv-2349 RHK/JJK lawsuit.

At 12:16 p.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Glidden, Goodman.

Present - Council Members Samuels, Gordon (in at 12:17 p.m.), Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Hodges (out at 12:28 p.m.), President Johnson.

Absent - Council Members Glidden, Goodman.

Also present - Susan Segal, Peter Ginder, Jim Moore and Sara Lathrop, City Attorney's Office; Janee Harteau, Police Department; R.T. Rybak, Mayor; Casey Carl and Irene Kasper, City Clerk's Office.

Lathrop summarized the *Max Graves v. Mark Lanasa* lawsuit from 12:16-12:31 p.m.

At 12:31 p.m., Schiff moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Glidden, Goodman, Hodges.

Tuthill moved that the claims asserted against Mark Lanasa in *Max Graves v. Mark Lanasa*, United States District Court File No. 10-cv-2349 RHK/JJK, be settled in the amount of \$90,000, payable to Max Graves Jr. and his attorneys Gaskins Bennett Birrell Schupp LLP, in a distribution to be determined by the City Attorney's Office, from Fund/Org. 06900-1500100-145400, and authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 11/4/2011.

Absent - Glidden, Goodman, Hodges.

NOVEMBER 4, 2011

Lilligren moved to adjourn. Seconded.
Adopted upon a voice vote 11/4/2011.
Absent - Glidden, Goodman, Hodges.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Casey Joe Carl,
City Clerk.

Unofficial Posting: 11/09/2011
Official Posting: 11/10/2011